The Orator:

Handling a hundred seuerall Discourses, in forme of Declamations: Some of the Arguments being drawne from *Titus Liuius* and other ancient Writers, the rest of the Authors owne inuention: Part of which are of matters happened in our Age.

Written in French by Alexander Siluayn, and Englished by L.P.

LONDON
Printed by Adam Islip.
1596.

BRITISH MUSEUM

TO THE RIGHT HO-

norable my moſt eſpeciall good Lord Iohn, *Lord* *St.* Iohn, *Baron of Bletſho.*

RIght Noble Lord, it is the cuſtome of ignorant and vnlearned ſtatuaries (who are both defectiue in art and faultie in iudgement) when they haue either a *Venus* to carue, or a *Cupid* to polliſh, to find means to reare them on ſome high marble pillers, to the end that the diſtance of the eie might ſhadow the defect of their cunning. In imitation of whom (knowing mine owne diſabilitie to deſerue, and weakeneſſe to achieue) hauing hewen out of my rough wit this firſt fruit of mine oratory, I haue thought good to ground and rear them vpon the authority and greatnes of your Lordſhip, whoſe fauors and merits may aduance them

that degree and esteeme of reputation, which of themselues they dispaire of, except vnder your fauour and countenance. The reason why I make you my patron is for that I know you to be a fauourer of the learned, and a maintainer of the souldior; discreet in your iudgement, and bountiful to all toward and deseruing scholers. Vouchsafe honorable lord, that your generall affabilitie and courtesie towards all men, admit no instance in my behalfe, but as both by bountie and other infinit graces toward me you haue made me fortunate, so now in countenancing this labour of mine, make me happie by your acceptance, who humbly beseech almightie God to ioine intire felicitie to your manie vertues.

Your Lordships in all dutifull affection,

Lazarus Piot.

To the Reader.

Since he is to be counted a discreet man (gentle Reader) that prouoked with the desire of glorie, and kindeled with good affection, indeuoreth to profit his neighbour by vertue, and procure himselfe a life and residence in the memory of posterities: I haue thought good (in hope to aduantage my selfe with the same title) to present thee with certaine Rhethoricall Declamations, the vse wherof in euery member in our Commonweale, is as necessary, as the abuse of wilfull ignorance is odious. In these thou maiest learne Rhethoricke to inforce a good cause, and art to impugne an ill. In these thou maiest behold the fruits and flowers of Eloquence, which as Tully *saith in his Orator,* Bene constitutæ ciuitatis est quasi alumna: *vse them to thy profit good Reader, and accept them with as good a mind as I present them with a vertuous intent. If thou studie law, they may helpe thy pleadings, or if diuinitie (the reformer of law) they may perfect they persuasions. In reasoning of*

priuate

priuate debates, here maiest thou find apt metaphors, in incouraging thy ſouldiours fit motiues. Fathers here haue good arguments to moue affections in their children, and children vertuous reconcilements to ſatisfie their diſpleaſed fathers: briefly euery priuate man may in this be partaker of a generall profit, and the groſſeſt vnderſtanding find occaſion of reformation. The benefits then ſo generall, and my intent ſo honeſt, I heartely intreat you to keepe Talions *law in this, and pay me like for like, giue me good thoughts for great ſtudies, and at leaſtwiſe ſhew me this courtly courteſie, to affoord me good words (which coſt you nothing) for ſerious thoughts hatcht vp with much conſideration. Thus commending my deſerts to the learned, and committing my labour to the inſtruction of the ignorant, I bid you all heartely farewell.*

L. P.

THE MIRROVR OF Eloquence:

Containing an hundred Historicall, or rather Tragicall Declamations.

Declamation. 1.

Of Fuluius, *who caused the Senators of Capua to be beheaded, without the consent of the Senat and people of Rome.*

BY *how much they of Capua were prone, and ill aduised, to reuolt from the Romans vnto* Hannibal, *after the battaile of Cannas, by so much were they more obstinatly besieged, so that being forced for want of timely succours, to yeeld vnto the mercy of the two Roman Consuls,* Appius Claudius, *and* Quintus Fuluius, *they were in the end more cruelly punished than any other rebels. The which* Vibius Virius (*the ringleader, and chiefe author of the said rebellion*) *together with seuen and twentie other Senators foreseeing, they all poisoned themselues at a banquet: The rest of them that yeelded, were sent to prison, fiue and twentie to Cally, and eight & twentie to Theana. Where without any commandement from the*

Senat or people of Rome, and especially without the consent of Claudius: Fuluius *caused them all to be first scourged with rods, and afterwards to be beheaded. Wherefore a doubt was made whether he was more righteous or rigorous in his deed. And therefore let vs imagine, that shortly after the rest of the Capuans accused him, saying thus:*

WAs it not sufficient graue Senators, & you blessed people, that *Vibius* and his associats the chiefe authors and cause of the said rebellion, did sacrifice themselues vnto *Fuluius* his crueltie, but that you must further ad therunto these seuen and fiftie miserable Senators? Is it possible that they were all culpable? No surely: for seeing that they trusted to the Romane clemencie, their conscience was a sure testimony of their innocencie. But that could not saue them from the furie of *Fuluius*, who to excercise his crueltie, hath taken from the Senat & people of Rome, the meanes as well to shew their pittie as their power, not considering that the worthiest part of a victorie is to subdue the iust desire of reuenge. Wherefore despising all authoritie, & chiefely that of his Colleague and companion of his victorie, he rather desired to be accounted cruell then mercifull, and neglecting the prouerb which saith, That somtimes man sheweth himself a God vnto man, would rather verifie the cõtrary, That man is euen a woolfe vnto man. Surely our miserie cannot but be great, yet should it haue bene more tollerable, if it had proceeded from the Senate, or people, for then should there haue bene some shew of Iustice considered vpon by many, where now is seene but a reuenging cruelty, thought vpon by one alone, and executed on the suddaine. And so much more is this deed execrable,

crable, in as much as ordinarily we see many consultations to be held, and that of many men, to pronounce iudgement against one: but alas, almost al our Senators haue bene condemned euen in a moment by one man alone (if he ought so to be called) who hath shewed himselfe more cruell then any furious Lion or fierce Tigre. For he not being satisfied with the stripes and death of those which were sent prisoners to Theana, tooke yet further paines to make his iourney to Cally, to torture and behead those which were there also imprisoned: and he not being thorowly appeased therewith, did ad thervnto the miserable death of *Taurea Lubullus* a man euen besides himselfe, who although that of his own accord he offered himselfe to abide any punishment, yet were his torments aggrauated the more. All these acts (O Romans) are most lamentable, & worthy of great compassion amongst men. But yet the hatefull contempt which this monstrous man hath made of your authoritie is most detestable: For as he was in acting the second execution at Callie, when the miserable soules were not yet all bound to the stakes, there came (as it were by diuine grace, and your goodnes) letters from the Prætor and people of Rome to stay their execution, neuertheless this man his rage alone, preuailed more than did the clemencie of all the rest of you. But what is this man, who presumeth to be more wise, and taketh greater authoritie vpon him then all the other Romanes besides? Surely if cruelti[illegible] be wisdome, and presumption carrie authoritie, hee hath reason? But if humanity be decent for men, and to thinke no better of himselfe then others, be modestie, he hath done amisse: for hee is worse then a beast that thinketh himselfe better then any other man. If it were lawfull, I would faine

know what moued him, that he could not so much as stay this last cruell execution? Or what hurt might haue happened vnto the Romans therby: of whom we are the true (though disobedient) children, since heretofore we freely gaue our selues, & all we possessed into their hands. But if some amongst vs, more ambitious then the rest, vpon hope to command the weaker sort, haue yeelded themselues vnto *Hannibal*, was it conuenient that euen those who were displeased therewithall should die so cruelly, without being admitted not so much as to speake for themselues. Alas this crueltie is too extreame, and so much the more in that it was done against the intention of the Senat & people of Rome. But God graunt that vnder the colour of this horrible deed, there be not some secret hidden, more pernicious and hurtfull vnto the Romans then euer our rebellion was. I know (besides the difficultie thereof) how much all true Romane hearts doe detest such as do aspire to tyrannize ouer their owne countrey, yet I may say that the deeds of *Fuluius* doe shew that he aimeth at that marke, and it may be himselfe suspecteth that so much is alreadie knowne by him; which was the only cause why he was vnwilling that the Capuans should be suffered to speake, least some thing might haue beene disclosed vnto his preiudice, the which I will not affirme, because that if it were so, it ought to be more then made manifest, since that many haue not only bene suspected, but also greeuously punished for matters lesse apparent then this: And amongst others *Coriolanus*, *Manlius*, *Spurius*, *Cassius*, and *Melius*, only for shewing themselues ouer liberall. To conclude, I feele my selfe so ouercharged with griefe, as I am not able to speake in such sort as I ought, pleading before this honorable Senat, who

may

may be pleased to beare with my weaknes, considering that they neuer keepe decorum which are ouercharged with extream sorrow. May it then please you most worthy Senators, protectors of equitie, by that little which I haue badly expressed, to consider what might further be spoken vpon this matter, by one who is free from all anguish and feare.

The Answere of M. Attilius *in the absence of* Fuluius.

I Thinke most graue Senators, that these men here haue no other reason to complain of *Fuluius*, but only because he hath saued the liues of too many of the Capuans. For it is very certaine that after the taking, or surrender of Capua, *Fuluius* caused information to be made of all those that had borne any good will vnto the Romans, and there were found no more then three silie women, that is to say, *Vestia*, *Oppia*, and *Faucula Cluuia*, who by the hire of her bodie did secretly relieue the Romans that were in prison; and the other, did euery day offer sacrifice for the prospertie & victory of the Romans: The third being but a yong girle, was the same that came vnto our campe, and gaue intelligence that those Numidians which fained to be runne away from Capua, were sent for spies, and some of them were found with letters about them, to carrie vnto *Hannibal*. Touching the rest, it may be said, that although they were all guiltie, yet did *Fuluius* cause those onely to die, who surpassed the others in authoritie: Wherfore *Fuluius* was no lesse mercifull vnto those whom he saued, then iust vnto them that he executed. But it is the manner of the wicked, yea of the most part of men, seldome

to remember the wrongs which they doe to others, but what iniurie soeuer themselues doe receiue, they neuer forget. But the custome of the wicked, yea of the most part of men is, to write vp the wrongs which they do to others in darke letters that they may quickly bee forgotten, but the grieefs which they themselues receiue, they do graue in copper that they may euer be remembred: So likewise doe these of Capua in accusing *Fuluius* of cruelty, for putting their Senators to death: but they do not confesse what themselues haue deserued, for cutting in peeces our Garisons, who neuer offended them, vnlesse it were because they were there ready to defend them from the fury of *Hanniball*. Yea the Roman Magistrats & other Citizens were imprisoned, & choked vp in publike bathes. And they articulated with *Hanniball* to giue him three hundred Roman prisoners of choise, to dispose of at his own pleasure. I pray you tell me thē what torture do not such rebels (or rather cruell enemies) deserue, who more desired the ruin of Rome then their owne proper safeties? See then what the Romans haue gained by receiuing those of Capua into their protectiō in defending them from the Samnites, & chiefly in suffering thē to liue as free born, & our allies, who after so great kindnes haue shewed that they desired nothing so much as to tyrannize ouer, or vtterly to root out their protectors. Such is the maner of the vnthankful, who hauing no desire to deserue the fauors by them receiued, do not yet stick the better to couer their ingratitude) to cause those to fal into some miserie, vnto whō they are most bounden, and by that means quite to extinguish both the remembrance of the benefite, & their own duties. And that it is so, you did encourage *Hanniball* do to that which he durst neuer haue atempted, after that miserable ouerthrow at Cannas: that is to say,

to assaile Rome, if they found no good resistance: but the Gods (who neuer leaue wickednes vnpunished, no more then they doe good deeds vnrewarded, and vnto whome no sinne is more displeasing then ingratitude) haue ordained in their iust iudgement that the Capuans who supposed to tyrannize ouer the Roman Commonwealth, should haue need of their clemencie, the which for their sins they cannot acknowledge: For euē as the sick do find all things of vnsauory tast though neuer so wholesome, so cannot the wicked men like well of any good done vnto them, bee it neuer so worthie. You say (O you Capuans) that you are the children of the Romans, you would not confesse so much in your prosperitie: aduersity enforced you to yeeld your selues vnto vs, prosperitie caused you to rebell. Your miserie maketh you to acknowledge that you are ours, and yet you cannot but shew your most wicked minds in slaundering those who haue resubdued you vnto vs. If you be as you say, disobedient children to the people, doe you not know that the parents haue full authority ouer the life and death of their children? Why doe you then complaine? Seeing that all of you being vnworthie to liue, we haue executed a few to terrifie the rest from further prouoking vs hereafter to put you all to death. Giue thanks then vnto the gods, and to the mercie of the Romans, and endeuour by your loialtie, to deserue so many fauors as you haue receiued at their hands: for good turnes not deserued, are in the end preiudiciall vnto those that receiue them. You say that *Fuluius* caused your Senators to die in despight of the Romane people, and yet it was not he that adiudged, but rather *Vibius*, and the rest which slew themselues: for as they iudged truly, that none of their faction (or

to say more rightly) none of their Citizens were worthie to liue: so did *Fuluius* but well, hauing seene with his eies your obstinacie in fighting, your fauour to *Hanniball*, and your hate to the Romans, therevpon to execute iustice: as also because the dignitie of the consulship carrieth with it the authoritie both of the Senate and people, in such affaires where expedition is required: and it is not for the offenders to demand an account of the iudges for the iustice which they haue executed, but those who by their fauor are yet liuing ought rather to admire their most wonderfull mercie. Say then that your cruelties haue bene the cause that *Fulnius* may yet be called more mercifull then iust. Finally he is the man, who leauing his Collegue hurt at the siege of Capua, came with part of the armie to succour Rome, and fight with *Hanniball*, who was before our gates at your instance: He it is who hath compelled you to submit your selues againe vnto the Romans: And he it is who in the behalf of the people, hath yet the power to punish you further. Wherefore it is but follie to answere particularly to euery slaunderous suppositon which you would assert against him, since those that are conquered, do neuer loue their conquerors.

Declamation 2.

Of the first Earle of Flaunders, who was accused to the French King for hanging his eldest son.

THe *Flemmings write very obscurely in their Chronicles, that their first Earle was named* Leideric, *being the sonne of one* Saluart, *a Foster of Flaunders, and they say that the said* Leideric, *while he was yet a Foster and comming*

ming to ſurney his woods, did find the French king his daughter bebloubered with tears, becauſe that in the ſaid forreſt, ſome had murthered a Prince of England, who had ſecretly ſtolen and carried her forth of France. Which Princeſſe, Leideric *married, and of her had ſeuen ſons; whom he cauſed to be all apparelled with garments, the left ſide whereof was cloth of gold in honour of their mother, and the right ſide was woollen cloth, becauſe himſelfe was neither prince nor knight. Now it happened that the ſaid French king (whoſe name they likewiſe tell not) followed in chaſe of Hart euen vnto the cittie of Liſle in Flaunders, where the ſaid* Leideric *dwelt, with whom the king was lodged: who thorowly viewing* Leiderics *children, thought that they greatly reſembled his daughters countenance, and demanding for their mother, he preſently knew her for his loſt child: Whereupon he made the ſaid* Leideric *knight, and created him Earle of Flanders. Now ſaith the hiſtorie, that the eldeſt ſonne of the ſaid Earle being old inough to court ladies, did meet before the court gates with a woman that had a ſmall basket of fruit to ſell, which he tooke from her and carried vp vnto the gentlewomen. The poore woman ſtaied for money for her ſaid fruit, ſo long vntill it grew towards night, and then departing homeward, ſhe loſt her ſelfe in the forreſt, ſo as ſhe could not find her houſe vntill the next morning, when comming home, ſhe found her child dead for want of the teat. Whereupon ſhe complained vnto the Earle, he fained to carrie his ſaid ſonne abroad to tourney, but paſſing thorow the forreſt, he cauſed him to be hanged. Wherefore let vs ſuppoſe that the people accuſed the Earle vnto the king in this ſort.*

EVery cruelty (if it may pleaſe your Maieſtie) is aſſuredly very odious, but that which the father committeth againſt his owne child is moſt execrable: for the father his kindneſſe

ought

ought to exceed all other loue, imitating therein, the loue which God did beare vnto man, for the ſaluation of whom, he hath not ſpared his only begotten ſon, our Lord and Redeemer: whoſe example they are more bound to follow that are choſen to rule others, then thoſe which are more baſe in condition, becauſe the people for the moſt part doe conforme themſelues to immitate their actions which command, and eſpecially the bad before the good. Wherevpon it followeth, that he which commandeth ouer a Commonwealth or prouince, cannot offend in any meane ſort, eſpecially if his offence be publike, more if the cauſe be not ouer great, but moſt of all if it be ſuch a vice as degenerateth from the nature of man: all which ſaid faults are found in this deteſtable deed of our Earle, hauing wrongfullie put to death his owne ſon: and what ſonne? Euen his eldeſt ſonne, and the ſame which ſhould haue ſucceeded him and bene our Earle. But what offence can bee more publike then to cauſe his ſonne to die by the moſt ſhamefull death in the world? For by the halter, are theeues executed: and yet he had no ſuch cauſe to put him to death, ſeeing that notwithſtanding his fault was remedileſſe: moreouer there is no vice thought more vnbeſeeming a man then crueltie, and there is no greater cruelty thē that which is committed againſt a mans owne blood, the which crueltie is not only done againſt himſelfe, againſt his ſonne, and againſt vs in putting our Prince to death, but alſo againſt the mother and brethren of the Prince, and that which worſt is, againſt your Maieſtie; hauing executed the ſonne of your daughter, your nephew, and your ſubiect, who in proceſſe of time might haue done good ſeruice vnto your crowne and ſtate. Wherefore this tyrant hath not

only

only shewed crueltie vnto all these aboue named, but he hath further manifested his ingratitude vnto his king and soueraigne; vnto your Maiestie I say, who hath made him noble by knighting him, creating him Earle of this countrie, and accepting him for your sonne in law. What punishment deserueth not a crime so manifest committed against the person of such a monarch? But who is so ignorant that will not affirme that in this action, froward fortune hath rather beene the cause of the mischeife happened vnto this woman, than the prince himselfe, or els it was her negligence or ill hap, or the desteny of the infant. What meant she to stay so long? Did not she know where to haue found the Prince the next day? Had she lost her money by staying for it? But to be short, this woman did shew her selfe to be both cruell and obstinate, as their sex are for the most part, and it may be she staied so long tatling with some of her gossips, and boasting that the Prince had bought her fruit, as night ouertooke her before she was aware: for the prattle of a woman is oftentimes without measure. But were it that the Prince his fault were farre more manifest and hainous then it is, yet is the cause to be iudged by none but by the king only, or by such as should by his Maiestie be deputed and appointed for iudges, and it is more vnfit that the father should be iudge of his child then any other, because either too exceeding loue, or too extreame rage, may ouerrule him: for when he is angry with those whome he loueth, his anger proueth more vehement and dangerous towards them then against others. Likewise no iudgement ought to be pronounced without counsell and due informations: But what proofes was brought against our prince? Where are those which were called

led to consult vpon iudgement, or to giue aduice that he ought to die? Alas, the father and the hangman were both Iurie, Iudge, and Executioner. Well, God graunt this mischiefe proceed not from some other ground: that is to say, least some old malice long since conceiued hath not made the father to find this occasion to destroy his son, it may be, chiefely to aduance his second sonne, whom he loued better. I passe ouer in silence how hee hath secretly endeuoured to haue the world suppose that the same was none of his son, therby meaning to slander your daughter, for those which know themselues inferiour to their wiues, doe neuer loue them heartily, but seeke all the meanes they can to make them lesse esteemed, and especially such as are ingratefull, of whom this Tyrant sheweth himselfe to be the chiefest. It may be said that it is not lawfull to accuse any man by coniecture, but what vilenesse may not a man imagine by such a one, seeing that like as vertues are knit together, so do vices follow one another? To conclude (dread soueraigne) we doe better feele this wrong done to your Maiestie, to your daughter, to her children, and to our selues, then we are able to expresse the same in words; but our iust teares together with our silence, demand iustice of your highnesse.

The answere of the Earle.

AS nothing surely can be more odious, or degenerating from the nature of man then cruelties, so also is nothing more necessarie for humane conuersation, then iustice ioined with wisedome; for indeed without it, iustice seemeth to bee no better then crueltie, as wisedome also without iustice

ſtice is eſteemed no other then meere malice, yet holding theſe two vertues linked together, a man may put his owne child to death, and not be taxed of crueltie, but rather praiſed for his pietie and loue towards them and Common-wealth. And ſuch were the Numantines accounted for ſlaying their children, rather then they would leaue them for ſlaues: So was *Virginius* who killed his daughter to ſaue her chaſtitie. I paſſe ouer *Manlius Torquatus*, *Poſthumius*, and diuers others who put their owne children to death onely for the zeale they had vnto the obſeruation of militarie diſcipline: yet for all that not any of all theſe haue beene iudged to be cruell or worthy of blame, but on the contrarie haue thereby gained immortall praiſe and glorie. Likewiſe there is no doubt at all, but that the fathers kindneſſe ought to exceed all other loue: following the example of our maker, who leaueth not to exerciſe his mercy together with his iuſtice: and that it is ſo, he many times puniſheth ſinnes both in this world, and in the world to come: moreouer we muſt not thinke any father ſo cruell to hurt his ſonne in the little finger without feeling the griefe thereof himſelfe in the middeſt of his heart, and therefore it is a meere folly to teach fathers how they ought to loue their children, ſince nature who is the miſtreſſe of all humane creatures inſtructeth them therein ſufficiently: and as it is moſt certain that princes or ſuch as rule, are aboue all others bounden to be vertuous, and that they are conſtituted as guides and examples for all their ſubiects to follow, ſo can it not alſo be denied, but that ſeueritie of iuſtice is more requiſit in them then any of the other vertues, (if vertues may be ſeperated) and he which will well conſider my deed without paſſion, ſhall find all the foure princi-

pall

pall vertues therein to be obſerued. For firſt of all I haue done iuſtice in putting him to death, who was not onely the death of an innocent, or at the leaſt the ſame that cauſed the mother to ſuffer her child to die, but alſo ſuch a one who defrauded a poore woman of part of her liuing, in that he paied her not for the ſame, which ſhe brought to ſell for her reliefe. My prudence was ſhewed in putting him to death without any commotion of the people, and in terrifieng all others from offending, as alſo to take from euery malefactor all hope to eſcape iuſt puniſhment for their miſdeeds. My temperance I declared in cauſing the offender to die by the ſhorteſt and ſecreteſt maner of death that I could deuiſe, thereby ridding him from the ſhame to be a ſpectacle vnto many. And my fortitude was manifeſt, in that I was able to ouercome the deſire which I had to pardon him both the ſame and all other offences. But in the end conſidering that the firſt princes are bound by their examples to ſtirre vp and prouoke their ſucceſſors to execute iuſtice without partialitie, I haue for that end ſacrificed my will, together with the life of my beſt beloued ſonne, becauſe the euill cuſtomes of the former princes are turned into lawes by thoſe which ſucceed them, and thoſe which are good are quite forgotten if they be not confirmed by verie memorable examples. Therefore *Saule* did not amiſſe when hee would haue put his ſonne *Ionathas* to death, ſeeing law is to be adminiſtred vnto all alike: for where exception of perſons is reſpected, there muſt needs corruption of iuſtice follow, which marreth all, for nothing can be permament which is corrupted. True it is that he was my eldeſt ſonne, but being ſuch a one as he was, he neither ought to ſucceed me, nor yet to liue any longer:

and

and accuſe me no more of crueltie, ſince to puniſh an euill doer is a deed of mercie, for pittie without iuſtice is follie or rather iniquitie; and the greater he is that offendeth, the more ſeuere puniſhment he deſerueth: For the poore wretch, or hee which is of baſe condition, may excuſe himſelfe by his pouertie, by want of inſtruction, by ignorance, by his lewd education, and ſuch other like reaſons both vaine and friuolous; but the offences of great perſonages is to bee attributed to nothing but to pride & malice. Neither is one death more ſhamefull then another, but only that death where the partie is made a ſpectacle to the ſtanders by: for it is not the death, but the offence that is ſhamefull. And therefore in exccuting iuſtice I cannot be tearmed cruell vnto mine owne blood or my ſonne, nor vnto your Prince, vnto the Kings daughter, neither vnto our children: for he not being ſuch a one as hee ought to be, was now no more to be regarded by any of vs, but was no better then a thiefe, and a murtherer. Who is then ſo mad as to be called a grandfather, father, mother, brother, or a ſubiect to ſo vild a man? Neither muſt theſe be the meanes to begin thoſe good ſeruices that ought to be done vnto the crowne of France, which was inſtitituted and preſerued hetherto by vertue. It is a vaine thing to goe about to perſuade fathers of the valor or worthineſſe of their children, ſeeing that for the moſt part they beleeue it more then is requiſite, and alwaies doe excuſe their faults more then they ought; of which ſort I confeſſe my ſelfe haue beene one, ſo long as there was any hope of amendment. I aſſure you, that a long time was my heart moſt greeuouſly perplexed, before I could conſent vnto the puniſhment, & death of my ſonne. But omitting all other circumſtances I

will

will ſhew you the reaſons which moued me to put my ſonne to death, for the ſonnes diſcredite, muſt needes bee the fathers diſgrace, becauſe they doe alwaies cocker their children but too much: and therefore it was not without cauſe that the Romanes (from whence all good lawes haue their beginning) did giue vnto fathers all power ouer the life and death of their children, knowing that without moſt iuſt occaſion they would neuer put them to death. No ſonne could be more dear vnto me then mine eldeſt, but equitie commandeth me to loue the Common wealth better; which in no ſort can be regarded, when he which ruleth the ſame is not vertuous, becauſe none therein ſhould be in ſafety if the prince were vicious. My life and death is in the mercie of the kings Maieſtie; but to die, I would not haue failed to doe that which I haue done, being (as we are) mortall, and death may only be delaied, but not eſcaped. Our life alſo is not to be meaſured by our years but by our deeds: for he hath liued long inough who is by good men deemed moſt worthie of long life, and he cannot die too ſoone, who ſpendeth his life in wickedneſſe. Wherefore it was no reaſon that my ſonne ſhould haue liued any longer, and I would to God that ſo his reproch might die with him, as I wiſh my renowne may liue after me. Touching iudgement, he which gouerneth the Commonwealth, muſt needs be iudge in the ſame. Such were the Dictators or Conſuls amongſt the Romanes, and ſuch at this day are kings and princes. And *Plato* ſaith: Happie is that countrie where Philoſophers are kings, and kings be Philoſophers: whereby it appeareth, that rulers ought to bee iudges, as you your ſelues doe confeſſe, in ſaying that the king ought to haue iudged my ſon: which indeed

had

had ben reaſonable, if his Maieſtie by his prerogatiue had not giuen me free authority in matter of iuſtice; in ſuch ſort then as I am ſubiect to the iudgement of the king, is my ſonne ſubiect vnto mine, and I am not to yeeld an account of my actions vnto any other then vnto his Maieſtie: and eſpecially becauſe the witneſſe of a father againſt his ſonne is more ſufficient then all other teſtimonies, according to the reaſons aboue ſaid: and ſauing my dutie vnto his roiall maieſtie, and this noble aſſiſtance, this is moſt falſe which you obiect againſt me, touching my ladie the Counteſſe; who hath thought me worthie to bee her husband, and the king accepting me for his ſon inlaw, I haue euermore loued and honored: and ſo far am I from cauſing her to bee ill accounted of, as with the price of my life I would ſeeke to defend and increaſe her honour, which being ſo, it may pleaſe his highnes not to ſuffer him to be vnpuniſhed, who hath ſpoken ſo ſlanderouſly as thou haſt done, as if any perſon liuing might doubt of her chaſtitie. In ſaying that I thinke my ſelfe to be inferiour vnto her, thou doeſt therein alſo ſhew thy ignorance together with thy malice: for beſides the difference of the ſex, which maketh euery man better then a woman, it is moſt manifeſt, that loue and marriage doth alwaies make the man and the wife equall. It is likewiſe to bee conſidered, that they are no leſſe noble which attaine therevnto by deſert, then thoſe which come vnto it by deſcent, for which the heires are the more beholding vnto their anceſtors: and to ſay that I deſerue not the dignitie which I enioy, it ſhould be a reproch vnto the king, who of his grace reſpecting my deſerts, hath himſelfe thought me worthy of what he hath beſtowed vpon me. Laſtly, I appeale vnto your maieſtie for the

wrong which my ſubiects doe offer me in accuſing and ſlanderidg me vniuſtly, and conſequently I demand iuſtice vpon the ſame.

Declamation, 3.

Of Pacuuius, *who hauing by his ſubtilty ſaued the Senators of Capua, is accuſed of Treaſon.*

After the ouerthrow of Cannas, many cities yeelded vnto Hannibal, *and in ſome of them the people rebelled againſt the Senators, as thoſe of Capua did, where the Senate were in great danger to be cut in peeces by the communaltie, the which* Pacuuius *foreſeeing, being a ſubtile man, and of the number of the Senators, but better beloued and eſteemed amongſt the people then with the Senat, he determined to appeaſe the people by a wile: Whereof conſulting with the reſt of the Senators, and they finding no better meanes for their ſafeties, they conſented therevnto. Whereupon* Pacuuius *fained to detaine all the Senators as priſoners in the pallace, appointing certaine Plœbeians there to guard them: then he ſaid vnto the people which were already aſſembled before the pallace, I haue the Senators our enemies in priſon, and am of the opinion that all of them ſhould be put to death: but to the end that the citie may not be deſtitute of Magiſtrates, it behoueth that you your ſelues doe chuſe amongſt you new Senators in the ſteed of the others which we ſhal kill, to the end that we may not be ſurpriſed vnawares, either by the Romans or any other of our enemies, and haue not ſuch as may command and gouerne vs. Then hauing a Catalogue in writing of the names of all the*

Senators

Senators, he ſaid: Firſt ſuch a one muſt be killed (who was a mã of great authoritie) name one amongſt you who may be thought worthy to ſucceed in his place. Then the people began to looke one vpon another, and there was not found any that was deemed ſufficient to take that charge vpon him. Wherefore they began to accuſe Pacuuius *of crueltie, and in the end they confeſſed that there was not men enough to be found amongſt them worthie to be Senators, and therefore they concluded to leaue the Senate euen as it was. Whereupon the Senators were both deliuered, and confirmed in their former authoritie. Yet let vs ſuppoſe, that it happened, that one amongſt the Senat (no leſſe enuious of* Pacuuius *his authoritie, then ioifull that he was ſaued by his ſubtiltie) did long time after accuſe him at Rome, affirming that hee onely induced the people vnto this ſedition, and that his intention was not to ſaue, but rather to ſlay the Senators, and began his accuſation in this manner:*

VNdoubtedly ſuch as ſuffer a wicked or vicious man to liue in a citie, doe either firſt or laſt repent it, yet is it rather commonly too late: How much more then ought they to be ſorrie that ſuffer ſuch men to obtaine the gouernement of the Commonwealth, and the honors only due to righteous and vertuous men, who for the moſt part doe ſhun ſuch authorities, becauſe it is a hard matter to execute ſo waightie a charge well. For ſince the weakneſſe of man is ſuch, as euen the wiſeſt doe miſtake bad things for good, and good things for bad, vntill the effect of that which afterward happeneth doth make thẽ know their error: How can vitious or wicked men be able to doe any thing that is good? Surely honours are the true touchſtone whereby the vertue or goodneſſe of a man is knowne: for in authority vertuous men do

manifeſt their goodneſſe, as wicked men do lay open their badneſſe, as *Ariſtides*, *Epaminundus*, *Licurgus*, and others in all their authority did ſhew that vertue was incorruptible: And *Periander*, *Piſiſtratus*, *Liſander* and others declared, how much ambition preuaileth ouer ſuch as are not perfectly vertuous, whoſe example *Pacuuius* was deſirous to imitate, for being born in Capua a wicked man, and ſeeing that he was there in ſuch ſort ſuffered to remaine, he durſt wel make claime vnto dignities, and obtaining the ſame did afterwards aſpire to be tyrant. For by how much they which are vnworthie of authoritie, and yet doe attaine there vnto, by ſo much the more doth their inſolencie thereby increaſe; and that in ſuch ſort, as they not only doe preſume the ſame to be due vnto them, but alſo that there is no gouernement great inough for them, and therefore ſuch oppreſſe euen thoſe who haue moſt fauoured them, which truly is a iuſt puniſhment which the Gods ſendeth vpon thoſe who fauour the wicked, that euen by the ſame themſelues are oftentimes deſtroied. And ſo is it iuſtly fallen vpon our Senators, who knowing the vices of this man, haue not only permitted him to attaine the moſt principall honors, but alſo by their negligence haue ſuffered him to tiranniſe ouer the Senate and people, euen to the danger of the liues of the ſaid Senators; being ſo audacious as to affirme vnto them, that he only was able to defend them from being hewed in peeces by the people: and afterwards by his raſhneſſe put all their liues in danger of the peoples inſolencie. But what had it bene if the people had reſolued to doe that which he counſelled them vnto? what aſſurance had he that ſuch his folly ſhould haue come vnto a good end? Truly that was euen the leaſt of his care,

ſeeing

seeing that it could not happen amisse vnto him, for if the people slew the Senat, he should remaine the prince of the people, and the matter falling out as it did, hee should remaine lord of the people and Senat together, persuading both the one and the other, that they were highly bound vnto him: Wherevnto the Senat was forced to yeeld, considering the authoritie which by their fault, he had gained amongst the people: yet this had beene a small hurt if he had beene contented that but onely himselfe should haue beene king, but his actions declared that he would confirme the kingdome vnto his posteritie by the means of *Hannibal*, vnto whom he not only brought his sonne *Perolla*, but himself did stay him from the killing of *Hannibal*, and from the procuring of the freedome of his countrie by this his most noble act. Finally this noble yong man did very well shew himselfe to be the sonne of a Roman matron, holding that noble mind of his mother: How could hee chuse but be greeued at the heart seeing that by his fathers words (who rather ought to haue exhorted him therevnto) his most couragious purpose was broken from the which this hairebraine man in all vild actions did not only disluade him, but also constrained him to giue it ouer, affirming that if he would not bee ruled by him, he would aduertise *Hannibal* thereof, yea & would couer him with his own bodie in such sort as he should not be hurt vnlesse *Pacuuius* were slaine. Thus he alone did corrupt the faithfull zeale which the child ought to the Romans and his countrie. I passe ouer with silence, how that hee was the cause that *Decius Magius* was so euilly intreated by *Hannibal* in the presence of all the Citizens, and then afterwards clogged with chaines to be carried to Carthage, if the gods had not succoured

him better then this honourable person, who had such credit with *Hanniball*, that at his banquet was the second man at the table, and his sonne the third, and yet did not once excuse, but rather most greeuously accused poore *Magius* to haue alwaies fauored the Roman faction. Thus hath this vnhappy man betraied his countrie foure times. First when hee put the life of the Senators to the discretiō of the people: secondly, when he caused Capua to reuolt from the Romanes: thirdly when he made an agreement with *Hanniball*, and suffered him to enter into Capua: and fourthly, when hee kept his sonne from killing *Hanniball*. He will answere that he alone neither caused Capua to reuolt, nor to receiue *Hanniball*, I say he did, for vnder the colour of his protecting the Senate, no man durst gainsay him in any thing, except *Magius* who was punished therefore. If those who (without calling any stranger) doe by no such execrable meanes aspire vnto tyrannie, are greeuously punished, What torment then may be sufficient to bee inflicted vpon this wicked man? Who not content to haue vsurped the gouernement, and called in a stranger for his defence, did also by threats corrupt the good nature of his sonne. Remember O you noble Romans that you haue for lesse fault punished and driuen away your kings, and consider also the causes why we cannot, much lesse will not be vnder any other then you, doe vs iustice then vpon him, who hath withdrawne vs from you.

The Answere.

AMongst reasonable and vertuous men, al vices are odious, but aboue all, ingratitude is a vice most detestable, for it is the cause that manie good turnes are left vndone: for euen as the iuie

iuie cauſeth that tree to die about the which it windeth, and which ſuſtaineth it, ſo an vngratefull man ſeeketh the death and deſtruction of him, to whom he is beholding for many good turnes, which maketh a number fearefull to employ themſelues either for the particular good of any, or for the the publicke benefite of many. But the noble minds leaue not for all that to doe their endeuors, for euen as the ſun is nothing infected by the mud vpon which it ſhineth, and as the ſlanders of the ingrateſull can no way hurt the true vertue, which euen in the middeſt of vices, ſhineth as the light doth in darkeſt places, euen ſo this damned man, the more he thinketh to impair my reputatiō, the more doth he increaſe my renowne. For firſt he ſaith, that I haue obtained the chiefeſt dignities in Capua, it is then a ſigne that either I am vertuous, or els the reſt of the Citizens that haue aduanced me to ſuch authoritie, are al vicious: for euery one fauoreth his like, & repugneth his contrary. You ſay that I thinke my ſelfe a tyrant: Where do you find that tirants do ſuccor or ſaue the life of ſuch as pretend to be equall with them in power: can you denie that by mine induſtrie the Senat was ſaued? Hath not the effect made the ſame apparent? You ſay that I brought them in daunger, hazarding their liues to the diſcretion of the inconſtant people, how is he brought in danger who alreadie by his owne fault is fallen thereinto? Do you call it a hazarding, to ſaue mens liues? If you had knowne any other meanes more expedient, you ought therein to haue giuen your aduiſe? But that in extream euils extraordinary meanes ought to be vſed: So I knoing that the euill proceeded aſwell from the ouergreat preſumption of the Senat, as from the inſolencie of the people, thought to find out the fitteſt remedie: for each

partie, perceiuing his error framed himselfe accordingly. Thinke you before I seemed to make it a question whether the Senators should liue or die, that I had not first gained the chiefest of their enemies, and that I did not know the weakenesse of the rest? And as touching this point of the yeelding to *Hanniball*, the authors of his receiuing they did poison themselues, which taketh away the suspition that anie other was the cause thereof: How could I then be able to resist *Hanniball* more then you and others? True it is that I was second person in his bancket at the table, but the same was rather a signe that he did it to win me, then that I was such a one as you tearme me to be. For the subtile Barbarian, did not embrace those who did already fauor him, but such as he would draw vnto him: and the better to proue that true, my sonne whom he knew to bee a Roman in heart, was the third man at his banquet, whom trulie I confesse I did dissuade from killing *Hanniball*, because it was a thing impossible, being alwaies armed, enuironed with his gard, and chiefly because he euermore suspected my sonne greatly: So that the best that could happen by his rashnesse, would be but the death of him & manie others, and it might be the vtter subuersion and ruin of Capua. What hurt then haue I done preseruing such a one as is most affectioned vnto the Romans, and also in sauing the cittie which could not faile but fall into their hands againe: for al violent things as was the fortune of *Hannibal* are of so long continuance, but being at their Periode, turne vpside downe in a moment. Therefore in such a time more wisdome consisteth in dissimulation, then in obstinate boasting, as appeared in that of *Magius*, which was nothing profitable vnto any man, and besides it was not only hurtfull to himselfe,

but

but also *Hanniball* did thereby know the cowardlineſſe of the whole Senat, and Citizens of Capua, ſince that before their faces they ſuffered one of the nobleſt amongſt them, to be bound and carried away vnto his campe. It was then that they ſhould haue reſolued or taken occaſion to haue run altogether vpon *Hanniball*, and to haue maſſacred him, as my ſelfe and ſonne were deſirous to doe, if we had ſeene any likelihood to haue ben ſeconded by any: but there was then no ſhow of ſuch courage in you, & the more you accuſe me to haue brought you in bondage, the more vnworthie are you to be beleeued. Yet if it were ſo, why did you endure it? you will ſay for feare of the people: why could not you win or keepe the people in obedience, as well as I? Surely becauſe your ambition, and pride was more great to grieue them, then was your wiſdome or pollicie to gouerne them. You will impute me for fauoring more the Plebeians then Patrician faction: ſo was the like heretofore obiected to the Fabians, who afterwards enterpriſed particularly to defend Rome from the Veians at Cremera, where they all died ſauing one, who hath raiſed vp again their race, which is at this day ſo profitable to the Common wealth. To conclude, miſerie is alone without enuie, wherefore it is not to bee wondered at if thou doeſt vomit a thouſand leaſings againſt my vertue, long time guided by good fortune, yet for all that canſt thou not ſay that I haue aſpired Tirantlike to rule, nor called the ſtranger, but the greateſt hurt that I haue done, is that I haue ſaued you and others like vnto you, amongſt the good and faithfull friends (ſuch as my ſelfe) of the Romane Commonwealth.

Declamation. 4.

Of him which would vsurpe the inheritance of a Prince, that went to the warres against his fathers will.

THere was a Prince who forbad his sonne to goe on a certaine iourney to the warres, threatning if he went, to disherite him. The sonne for all that went thether: wherefore the Prince made a nephew which he had, his heire, leauing notwithstanding a great reuenue for his son, which is augmented by the new Prince. Neuertheleſse, shortly after he redemanded the principality, saying:

IHauing done nothing vnworthy for a Prince or a gentleman, my father could not disherite me. Wherefore it is as fit for the father, in commanding, to be wise, as it is for the sonne in obeieng, to be willing. What if my father (fearing to lose me) had forbidden me to defend the Church, or my countrie, Ought I to obey him in this commaundement, being no lesse dishonorable and preiudiciall vnto himselfe then to me and our posteritie? Verily I confesse that fathers ought to bee obeied in all reasonable things, but when their commandements are to no end nor reason, they must bee neglected; and after, as they may, obtaine pardon; if of themselues they confesse not their fault: besides, it must bee distinguished what the matter is, and what it importeth. Indeed I will confesse that I should greatly haue misdone (my father or countrie

trie being in war, or in any danger) if then I ſhould haue forſaken them for any thing that might happen, but when there was not ſo much as any ſhew of daunger, what hurt haue I done, if in the wars els where I haue ſerued, to learne the better how to defend our owne countrie? or rather if I made knowne abroad to ſtrangers, and our borderers, that they ſhould not ſo much as thinke to offend me, and not looke for requitall therof; ſince that I did voluntarily vpon mine owne pleaſure goe to defend others? Tell mee then wherein I haue either offended my father or countrie by this gentlemanlike act, or whether you ought not your ſelues to haue accompanied me, if you had beene as valiant as you ſhould haue beene? but it is alwaies the cuſtome of daſtards to couer their owne cowardiſe either with the ſhadow of a certaine obedience towards their parents, or by a ſhew of wiſdome, as ſometimes alſo by a ſigne of their innocencie, more ſuperſtitious then religious: ſaying they ought not to kill any man, or if they ſhould as often haue their hearts and courage conformable to their wicked wils, there could not bee more cruell people in the world then they: Is there any in the world more deſirous of reuenge then women, and yet is there no creatures liuing more baſe and fearefull then they: for as impoſſible is it for a noble heart to be cruell, as it is for a cruell man to be couragious: if you had not bewitched my fathers vnderſtanding, he could not chuſe but haue beene very deſirous to haue left his principalitie to ſuch a ſonne of his owne, as had made proofe of his skill in keeping, as alſo in augmenting the ſame if need were: and eſpecially being bound vnto his people to leaue them ſuch a ruler: for princes are not or ſhould not be other then fathers or tutors at the

leaſt

Declamation. 4.

Of him which would vsurpe the inheritance of a Prince, that went to the warres against his fathers will.

THere was a Prince who forbad his sonne to goe on a certaine iourney to the warres, threatning if he went, to disherite him. The sonne for all that went thether: wherefore the Prince made a nephew which he had, his heire, leauing notwithstanding a great reuenue for his son, which is augmented by the new Prince. Neuertheleſse, shortly after he redemanded the principality, saying:

IHauing done nothing vnworthy for a Prince or a gentleman, my father could not disherite me. Wherefore it is as fit for the father, in commanding, to be wise, as it is for the sonne in obeieng, to be willing. What if my father (fearing to lose me) had forbidden me to defend the Church, or my countrie, Ought I to obey him in this commaundement, being no lesse dishonorable and preiudiciall vnto himselfe then to me and our posteritie? Verily I confesse that fathers ought to bee obeied in all reasonable things, but when their commandements are to no end nor reason, they must bee neglected; and after, as they may, obtaine pardon; if of themselues they confesse not their fault: besides, it must bee distinguished what the matter is, and what it importeth. Indeed I will confesse that I should greatly haue misdone (my father or countrie

trie being in war, or in any danger) if then I should haue forsaken them for any thing that might happen, but when there was not so much as any shew of daunger, what hurt haue I done, if in the wars els where I haue serued, to learne the better how to defend our owne countrie? or rather if I made knowne abroad to strangers, and our borderers, that they should not so much as thinke to offend me, and not looke for requitall thereof; since that I did voluntarily vpon mine owne pleasure goe to defend others? Tell mee then wherein I haue either offended my father or countrie by this gentlemanlike act, or whether you ought not your selues to haue accompanied me, if you had beene as valiant as you should haue beene? but it is alwaies the custome of dastards to couer their owne cowardise either with the shadow of a certaine obedience towards their parents, or by a shew of wisdome, as sometimes also by a signe of their innocencie, more superstitious then religious: saying they ought not to kill any man, or if they should as often haue their hearts and courage conformable to their wicked wils, there could not bee more cruell people in the world then they: Is there any in the world more desirous of reuenge then women, and yet is there no creatures liuing more base and fearefull then they: for as impossible is it for a noble heart to be cruell, as it is for a cruell man to be couragious: if you had not bewitched my fathers vnderstanding, he could not chuse but haue beene very desirous to haue left his principalitie to such a sonne of his owne, as had made proofe of his skill in keeping, as also in augmenting the fame if need were: and especially being bound vnto his people to leaue them such a ruler: for princes are not or should not be other then fathers or tutors at the

least

aleſt vnto their people, whome they ſhould after their edath leaue to be guided by ſuch a one as ſhould maintaine their laws and rights, and which ſhould defend them from ſuch as would offend them: wherefore not without reaſon did *Pirrhus* king of the Epirotes anſwer his children (who asked him to which of them hee would leaue his kingdome) that he would leaue it vnto him that ſhould haue the ſharpeſt and beſt edged ſword amongſt them al. This valiant king did very wel know, that ſuch realmes where the king is not held for a ſouldiour, are alwaies moleſted by their neighbours or by ſtrangers: Haue not we ſeene as much by proofe? that whileſt the Macedonians were vnder *Philip*, *Alexander*, and other valiant kings, yea euen vnto the laſt *Philip*, they were alwaies in proſperitie: but after *Perſeus* was their king, they were ſubdued by the Romans, and *Perſeus* being vanquiſhed, was carried in triumph to Rome by *Paulus Emilius*. But why ſtand I vpon ſuch needleſſe examples, ſeeing they are infinit and without number? Whether had the Romans euer finiſhed their new citie amongſt ſo many enuious and euill diſpoſed neighbors, without the valor of *Romulus* their king? Finally if my deceaſed father had well conſidered of theſe reaſons, and that hee had not beene badly counſelled by you and ſuch as you are, he had not diſherited me, but ſhould greatly haue reioiced to ſee, that during his life I endeuoured to make my ſelfe worthie to ſucceed him in his ſeat. I need not to make a doubt whether hee might for any cauſe giue the principalitie to you or to any other, ſince himſelfe hauing receiued it by inheritance from my grandfather, and I being borne vnto it, and not vnworthie of it, ought to enioy it as my due, and lawfull ſucceſſion; for hee was no other then gar-

dian

dian and protector thereof; how could hee then take it from me and giue it vnto you, who deserue the same in no sort, neither by reason nor by valor: Had you bene so wise as you thinke your selfe to be, to gaine a dignitie or an assured principalitie, you should haue immitated some such, as it may be being lesse cowardly, but more wise then you, and knowing themselues not valiant enough by armes to winne any authoritie, doe become first begging friers, and so well behaue themselues therin, as afterwards they become cardinals, yea and oftentimes obtaine the Papall seat, in such sort should you haue become a Prince; You I say who haue neither vertue nor valor, but in your tongue, by the which you could so well persuade my deceassed father to dishonour himselfe, and to wrong his onlie sonne, preferring you before him. But I haue such an assured hope in the Emperour his sacred Maiestie who is our iudge, as that shall be restored which of right belongeth vnto me, and I assure that but for the respect I beare to the same Maiestie, I would doe that, as you should know you ought not to vsurpe my gouernement, but thinke your selfe verie happie in surrendring the same ouer to me, & not receiue the punishment due for your rashnesse.

The Answere.

RAsh and vnaduised may he be tearmed, who in the end of his reasons addeth threatnings in the presence of his imperiall Maiestie, whom he faineth to respect, & vpon whom such an iniurie redoundeth rather then vpon me who am here vnder the protection of his said Maiestie. But to answere vnto this your deed, I say that it is not the act of a gentleman to dis-

disobey his father either whileſt hee liueth, or after his death, in deſiring to take that from me which he charged me to keepe by his laſt Will. Touching the firſt disobedience; Durſt you be ſo preſumptious to vnderſtand the cauſe why your father did forbid you to goe vnto the wars? You were ouerbold therein, ſince he knowing your indiſcretion and wauering mind would not truſt you with ſuch a ſecret matter: How manie things ſeeme aduantagious, honourable, and profitable vnto yong men, which old men doe foreſee to be a manifeſt ruin? What doe you know what they doe keepe in ſtore for you whom you haue offended in this war? Or if he who euen by your aid is become more mightie ſhall vſe the ſame his power to your preiudice? For ſo did the Romans, who being ſuccoured by their confederats, did firſt vanquiſh other nations, and then afterwards ſubdued thoſe their confederats likewiſe: what do you know if your father foreſaw the ſame, or a greater danger? If we are bound to beleeue old men, how much morethen ought euery one to beleeue his father, of whom (next to God) he holdeth his life and his being? And therefore they are double in fault which do not onlie giue no credit to their words, but alſo do diſobey their commandements as you haue done: for if one way you ſhall lay the fault vnto your frailtie, which hindered you from beleeuing the truth, and ſhall ſay it is mans nature ſo to doe; Yet your diſobedience added therevnto, doth another way make the ſame vnpardonable. How manie are there that haue put their children to death for leſſe fault then yours? It may eaſelie be ſeene by the Hebrew, Greeke, and Latine hiſtories: as for example; *Saule* the firſt King of the Hebrewes, would not he haue put his ſonne *Ionathas* to death for

taſting

taſting a little honie againſt the commandement of his ſaid father, although he did it ignorantlie? *Epaminondas* the Theban, did not he cauſe his ſonne to die, for fighting cõtrarie to his cõmandement: did not *Aulus Poſthumius*, and *Manlius Torquatus* Romans, do the like? what would they then (thinke you) haue done, if their children contrarie their wil and commandment, had gone to the wars as you haue done? Teaching them who were with you to diſobey their prince, as you did your lord and father: and not content to haue offended him during his life, will confirme and ratifie your diſobedience after his death, in reſiſting his laſt Will and teſtament: and to his great diſhonor accuſe him with want of wit. For leſſe fault was *Cham* the ſonne of *Noe*, not onlie diſherited, but alſo curſed of his father for euer, yea and his poſteritie after him, who could not do with the faults of their father and grandfather. The Romans had not the power ouer the life and death of their children: So that but for ſuch men as you, that law at this law had not beene inuented; for from the vniuſtice and wickedneſſe of men, do good, holy, and righteous laws proceed: Wherefore it is a true Prouerbe, that offences beget laws, and afterwards thoſe laws doe diſcouer and puniſh offences: for where no fault is, there law is not requiſit; and where no law is, there can be no breach thereof: Wherevpon S. *Paule* ſaith, That the law onlie made me know that to deſire is ſinne. Your father did not prohibite you from the defence of your countrie, or the church, therefore you need not make a queſtion of that which he did not, but of that which hee did, which was his diſſuading you from this war, and for the ſame cauſe hee added threatnings vnto his commandement. And notwithſtanding for all this, you

would

would not obey him, but it may bee the great griefe which your father tooke for this your obstinacie hath procured his death: and yet you say (although he hath not wholly disherited you) that he did you wrong to giue the principalitie vnto him, whom he knew to bee best able to keepe it: see how farre the loue of the father exceedeth all the malice that the sonne can imagine: for notwithstanding after this your fault, hee thought vpon your profit more then you deserued, and therefore he had a desire to leaue you wherewithall to liue like a Prince, but not the power to loose your selfe and your people: Doe you thinke the good Prince did not know, that in the warres vices are sooner learned then vertues? And that you were more inclined to wickednesse then wisedome? For how can he be a louer of vertue, which despiseth both his father & his commandements? Moreouer hee knew very well that the countrie whose Prince is accustomed to the wars, is neuer in peace; and not being in peace it cannot prosper. Also he said, that as countries had long ben kept, so they should be maintained, because euerie alteration or change is dangerous, and if there come any profit thereby, it is not in their daies to bee expected who are then liuing. Wherefore knowing that his predecessors and himselfe had more encreased and conserued their gouernement by wisedome, equitie, and iustice, then by armes, it seemed nothing reasonable vnto him, to leaue for successor such a one, who only seeking to be counted valiant, would forsake all vertue, which takes her beginning frō the feare of God; and he which feareth him, is another manner of man to his father, then you haue beene to yours. Now since your father had all these reasons on his part, can you say he was not a good protector both

of

of his people, and also of you: Likewise he knew that *Numa Pompilius* did more conserue and increase Rome by his religion and good lawes, then *Romulus* did in the building thereof by his wars: the which to speak truth, are verie necessarie in euerie new gouernement; but where the people doe honour their Prince, and he is in loue and peace with his neighbours, there warlike men are more dangerous then defensiue, the which we may see by the Romanes, who neuer were ouercome but by their own proper forces, also the souldiors which were in the citie were the destruction of the same. Therfore those princes do wel, who haue the means to send such people to exercise their furie in strange countries, for armes are alwaies hurtfull in a countrie, vnlesse it be for the defence thereof. You say that because you haue beene in the warres, your neighbours and strangers will stand in feare of you: better were it for you to bee beloued of them: for euerie one desireth their death, of whom they stand in dread. I would haue followed you to the wars my selfe, if you had gone thether by commandement or consent of your father, vnto whom it was griefe enough to bee disobeied by his son, without encreasing the same by the like offences of his nephew; for if I had followed your course, I should haue thought that I might haue giuen him iust cause to think me none of his subiect, much lesse his kinsman. God graunt that this your ingratitude, caused him not to doubt whether you were his sonne or not. Touching *Pirrhus*, his answere was as wicked as the end of his life was wretched. And *Perseus* was ouerthrowne onlie because he trusted in his forces, prouoking by his presumption the Romanes against him. You say that I deserue not the gouernement; but your father being farre

more wise, hath iudged me worthie, and you vnfit. I will no further answere to your assertions, which do as much discouer your impudencie together with your contempt of God and good things, as also the malice which aboundeth in you; but will leaue you to your owne discretion: and will onelie conclude thus, that all those reasons aboue said, and it may bee the least onelie more then al the rest ioined together, haue incited your father to giue me that which I deserue, and I praie you compel me not to take that frō you, which of my own liberalitie I haue bestowed vpon you. Touching that which I possesse I doe so much trust in the sacred Maiestie of the Emperour, as I am assured that hee will maintaine me in my right, who am his most humble & most faithfull seruant.

Declamation. 5.

Of Spurius Seruilius, *who defended himselfe against the people, being by them accused for his cowardly fighting at the hill of Janicola.*

NOt long time after that the Kings were bavished Rome, and that the death of Tarquin *the last king thereof was made manifest, the Consuls and Senat began to grow more prowd and couetous then they were accustomed, and the people being on the one side ouerburdened with taxes, and on the other side ouerlaid with vsurie, and imprisoned for debts, they began to rise against the Senat, in such sort that they being in armes vpon the holy mountaine, they would in no wise be persuaded to depart, before there was granted vnto them*

that

that they might haue two Tribuns for the people; by meanes whereof, their insolencie grew to that heigth, that when they had not warre abroad, they troubled the Senat at home, intending to set new lawes abroch, and amongst others, the law called Agraria: and on the other side, the Senat resisting their demands in that behalfe, they were cited before the Tribuns, and condemned sometimes into exile, and otherwhiles great fines set vpon them: by reason whereof, some of them did voluntarily banish themselues before that iudgement was pronounced against them, and others made themselues away by some kind of death before the pronunciation of the sentence: amongst whom was Coriolanus, *who died in exile, and* Menemus *the sonne of* Agrippa, *who died with anger, being condemned in* 200 *asses, because in the time of his consulship, he aided not the* Fabians *who were slaine at Cremera. Afterwards* Spurius Seruilius *was accused, that he was the cause that the Romans lost the batiaile at the foot of the mountaine Ianicola, against the Tuscanes, who defended himselfe courageously against the Tribuns saying after this maner:*

NOt in vain did *Plato* say, that the common people are like vnto the beast *Polipus*, which hath many feet & wanteth a head, by reason whereof not seeing the way which he holdeth, he ouerthroweth himselfe: in like maner the ignorant people doe go on forward without anie consideration, seeking their owne ouerthrow whilest they imagine to giue the Senate a fall: and that which is worst of all, they who ought to guide those blind men in a better course, are such as by force would bring them into the bottomelesse pit of confusion, or headlongdowne fall of rashnesse. It is vnto you that I speak, O you Tribuns, yet no Tribuns, but rather seducers of the poore peo-

more wise, hath iudged me worthie, and you vnfit. I will no further answere to your assertions, which do as much discouer your impudencie together with your contempt of God and good things, as also the malice which aboundeth in you; but will leaue you to your owne discretion: and will onelie conclude thus, that all those reasons aboue said, and it may bee the least onelie more then al the rest ioined together, haue incited your father to giue me that which I deserue, and I praie you compel me not to take that frō you, which of my own liberalitie I haue bestowed vpon you. Touching that which I possesse I doe so much trust in the sacred Maiestie of the Emperour, as I am assured that hee will maintaine me in my right, who am his most humble & most faithfull seruant.

Declamation. 5.

Of Spurius Seruilius, *who defended himselfe against the people, being by them accused for his cowardly fighting at the hill of Janicola.*

NOt long time after that the Kings were bavished Rome, and that the death of Tarquin *the last king thereof was made manifest, the Consuls and Senat began to grow more prowd and couetous then they were accustomed, and the people being on the one side ouerburdened with taxes, and on the other side ouerlaid with vsurie, and imprisoned for debts, they began to rise against the Senat, in such sort that they being in armes vpon the holy mountaine, they would in no wise be persuaded to depart, before there was granted vnto them*

that

that they might haue two Tribuns for the people; by meanes whereof, their insolencie grew to that heigth, that when they had not warre abroad, they troubled the Senat at home, intending to set new lawes abroch, and amongst others, the law called Agraria: and on the other side, the Senat resisting their demands in that behalfe, they were cited before the Tribuns, and condemned sometimes into exile, and otherwhiles great fines set vpon them: by reason whereof, some of them did voluntarily banish themselues before that iudgement was pronounced against them, and others made themselues away by some kind of death before the pronunciation of the sentence: amongst whom was Coriolanus, *who died in exile, and* Menemus *the sonne of* Agrippa, *who died with anger, being condemned in* 200 *asses, because in the time of his consulship, he aided not the* Fabians *who were slaine at Cremera. Afterwards* Spurius Seruilius *was accused, that he was the cause that the Romans lost the batiaile at the foot of the mountaine Ianicola, against the Tuscanes, who defended himselfe courageously against the Tribuns saying after this maner:*

NOt in vain did *Plato* say, that the common people are like vnto the beast *Polipus*, which hath many feet & wanteth a head, by reason whereof not seeing the way which he holdeth, he ouerthroweth himselfe: in like maner the ignorant people doe go on forward without anie consideration, seeking their owne ouerthrow whilest they imagine to giue the Senate a fall: and that which is worst of all, they who ought to guide those blind men in a better course, are such as by force would bring them into the bottomelesse pit of confusion, or headlongdowne fall of rashnesse. It is vnto you that I speak, O you Tribuns, yet no Tribuns, but rather seducers of the poore peo-

ple, and ſcourges of the Common-wealth: Surelie the Senat, and people, doe now receiue worthie puniſhment of their faults, the one hauing deſired, the other hauing ſuffered you to be promoted to ſuch authoritie. Trulie worthie *Agrippa* did neuer doe other harme to the Commonwealth, thinking to doe good, then in appeaſing the people with this cõdition, that they ſhould haue Tribuns appointed them; as if at the length the people knowing the confuſion of their weakeneſſe, would not by the ſame meanes haue acknowledged their fault: for without you they would haue vnderſtood, that the Senat executing right and iuſtice, (as it doth) is inuincible, as depending onlie vpon the lawes, and the gods. O Romans, know you not that the kings haue honoured, and in a manner ſubmitted themſelues vnto them? And ſo long as they held that courſe, they were like vnto the gods in honour, and proſperitie: but after that *Tarquin* the prowd, would haue put downe the Senat, he himſelfe was exiled with perpetual ſhame, to the confuſion of all his poſteritie: O bleſſed people, who then knowing what was needful for them, did endeuour themſelues to hold vp the Senat, not ſuffering ſo much as that any kinſman or fauorer of the name of a king ſhould remaine in Rome, whervnto *Collatin* (the rooter out of kings, and one of the firſt Conſuls, who was baniſhed onlie becauſe he was by name a *Tarquin*) was a witneſſe, they hauing no deſire to ſuffer neither king nor Conſull of his race: Shall we then indure the tirannie of the Tribuns? Doe you not ſay, O you people, that they would (if it were poſſible) aboliſh the Senat, that they might afterwards tiranniſe ouer you: for ſuch is the manner of thoſe, who of nothing doe riſe vnto ſome dignitie, as through pride and ingratitude,

they

they doe make themselues intollerable, which is to bee seene by these Tribuns, who when they could not shew their pride & ingratitude to *Agrippa*, for the short time he liued after their creation, haue manifested the same to *Menenius* his sonne, being the cause of his death, with the griefe that hee tooke in seeing himselfe condemned by those, who not long before durst not presume to consort with anie his fathers seruants: I say this noble *Agrippa* died so poore that he left not onlie so much as to burie himselfe withall, as it likewise chanced vnto manie others. Behold then in whom the ambition and couetousnesse remaineth, which you would impute to the Senators: who as a candle do consume thēselues for the publick good, whilst you (which were it not for the office that the Senat hath bestowed vpon you, should oftentimes haue no bread to put in your mouthes) endeuour to persecute the Senat, and destroy the people. You accuse me to be the cause that the battaile was foughten so vnluckilie, vnder the mountaine of Ianicola, I submit my selfe to the report of the Senat and people whether my endeuor were wanting. *Menenius* was condemned for not aiding the Fabians in the time of his consulship, and I for fighting vnluckilie: as if the one & others fault proceeded not from the insolencie of the Tribuns, who did so animate the people against the Senat, as hardlie would they march vnder the Consuls: but who knoweth not that the souldiors neuer doe anie good seruice, if they loue not their leader, who also can doe no worthie act, if he be not thorowlie assured of the good will and obedience of his souldiours: but concerning the Fabians, they were cut in peeces in the field, before the consull was aduertised that they were in anie danger, yet was hee condemned

vniuſtlie by you. Is it not alſo manifeſt that you by your croſſing & hindering the enrolling the ſouldiosr, haue ben the cauſe for the moſt part that ſuccour hath come too late: this is all the good that you doe in the Common-wealth, O you Tribuns, plagues of the ſame: it is not before you (who are vnworthie to take account of my actions) as I will iuſtifie, much leſſe excuſe my ſelfe: condemne me if you can, I ſpeake not to the end to diſſuade you: I will not be aſhamed to be the companion of ſo manie vertuous men whom you haue wrongfullie condemned; but I do verilie aſſure you reuerend fathers, that as much hangeth ouer the heads of euerie one of you, vntill that the condemnation of ſuch a one (not more louing to the Common-wealth, yet more happie then I) do prouoke you not to endure anie more the inſolencie of theſe heddie fellowes: who doe onelie maintaine their authoritie they haue with the people, in quarrelling with the worthieſt Senators: and you O people, no leſſe ingratefull, then ignorant, of the euill which threatneth you, bee you full aſſured, that theſe men will bring you to that paſſe, that you will deſire (but neuer obtaine) that the Senat may bee reſtored to their firſt authoritie.

The Anſwere.

IF the people ſhould not haue ſome better head then yours, it were better they had none at all, for although euerie one liued after their own fantaſie, yet ſhould it be leſſe hurtfull for them then to bee led or gouerned by ſuch a one as ſeeketh their deſtruction, and it cannot bee ſaid that the commendation or condemnation that the Senat deſerueth

by

by means of the election of the Tribuns, is rightly due vnto them, because the same election neuer was allowed by their good wils, but being compelled, they consented thervnto, although in effect they were the cause that the people would both haue them, and also obtained them: For they vsing the people more rudely then slaues it caused them to looke vnto their owne safeties, and to take vp armes and force the Senat to consent vnto the chusing of Tribuns, to defend them from those who sought to tiranniſe ouer them: neuertheleſſe you would on the contrarie haue vs to serue the Senat, and to consent that not onlie they should haue al the honor and profit of that which was gotten with the price of the peoples blood, but also that they shold deuour the authors of their dignitie, by imposition, and vsuries, bringing them into captiuitie for debts, keeping them in prison and irons, and tormenting them at their own pleasure. Although you doe not acknowledge, O you Senators, how much you are beholding vnto the people, yet remember onlie when you had need of their valour to confirme your authoritie, or to defend you from the enemie, how friendlie you could speake. When *Porsenna* king of Tuscan came to besiege Rome to establish the Tarquins therein, you then said that the people were oppressed, that it were reason to discharge them from taxes, that the custome of salt ought to bee taken away, and to giue them corne in common, since that they were at charge enough in begetting and bringing vp of their children for the warres; but as soone as the siege was raised, this consideration and liberalitie did vanish away both together: King *Tarquin* being once dead, then began you by little and little to vse those free people like slaues, so as nothing remained vn-

to them but the name of freedome, but as in greateſt harmes extreame remedies are ſought, ſo had the people or els the Senat periſhed without the mitigation of the Tribuns, and it cannot bee denied but that otherwiſe the miſerie of the people had alwaies encreaſed, ſince that amongſt ſeuē kings there was but one which was hurtfull vnto them, and now hardlie can there bee found amongſt a number of Senators, one that is good or fauourable vnto them; or if anie ſuch bee, yet dare they not make anie ſhew thereof, for feare to diſpleaſe others thereby, and be called fauourers of the people, as it happened to the Fabians, who rather deſired to die in fighting alone with the enemies, then to bee odious to the Senat, and not to bee able without danger to fauour the people: tell vs onlie whether you are rulers or lords ouer the people; and conſider, that if you bee their rulers, you ow them equitie and iuſtice, or if you will be their lords, you ought to fauor and protect thē, notwithſtāding they can obtain nothing at your hands but by force: you affirme, that if we had not beene, the confuſion and weakeneſſe of the people would haue made them acknowledge their fault: but you confeſſe not that the people might ſooner bee able to make a new Senat, then the Senat a people, all theſe proofes are dangerous, becauſe they are extreame, and vertue conſiſteth in a meane. The kings haue honoured the Senat, ſo alſo haue they not deſpiſed the people, for without them, the king could not bee, and the firſt Senate was choſen from amongſt them: if *Collatin* were baniſhed for his name onlie, Why ought they not to bee condemned, whoſe deeds deſerue no leſſe? Trulie neither Conſuls, Senators, nor Tribuns ought to be ſuffered, if they doe not their dutie: neither was it ingratitude to

con-

condemne the ſon of *Agrippa*, but equitie, and as there are but a few Senators who die poore as he did, ſo are they nothing like the candle, but onlie in that they are too fat with the coſt of the poore people, and with the danger of their liues; for the Conſuls command, but the ſouldiours fight. Concerning this, that you warred vnluckilie, the blood of the dead, and the cries of the liuing, beare witneſſe thereof: and trulie hee is not worthie to be a Senator, much leſſe a Conſull, who cannot gaine the good will of the ſouldiours. Laſtlie, we had not oppoſed our ſelues againſt the enrolling of the ſouldiours, if in due time the demaunds had beene thought reaſonable: and therfore either you muſt iuſtifie your ſelfe, or els are you worthie of double condemnation, becauſe your talke tendeth to ſedition, in deſiring to mooue the Senat and people againſt vs, who are no common officers, but moſt holie Magiſtrats, appointed to keepe in peace both the one and the other: alſo the time will come when we ſhall greeuouſlie puniſh ſuch vnluckie Southſaiers and Prophets, who doe ſeditiouſlie foretell and prophecie euil to the Senat and people, like as you now doe.

Declamation. 6.

Of a maimed man, who for ſmiting an officer, is condemned to loſe his hand; but it cannot be prooued with which hand he did ſtrike him.

A Man that was maimed of one of his hands, did ſtrike an officer of the Magiſtrates, for the which he was to loſe his hand: it could not bee proued with which hand he did ſtrike him, he ſaid that it was with his left hand, which was the ſame that was maimed: notwithſtanding the iudge would the ſound hand to be cut off, alleaging theſe reaſons following.

IT were better that laws were neuer made, then not to be executed, for the law that is not kept, maketh the Magiſtrats deſpiſed, and ſo conſequentlie maketh men to doe euill, but the meaning or gloſſe of the law is to be conſidered, as alſo the qualitie of him which breaketh the ſame together with his intention: for if a man kill another in his owne defence, or he which ſtealeth, being by extreame want vrged therevnto, ſuch a one is in leſſe fault, then he which killeth a man of ſet purpoſe, or he which ſtealeth, hauing no great need: It behooueth vs then to conſider that the meaning of the law is, that hee which ſmiteth an officer muſt loſe a member, and not that which is maimed alreadie by ſome other meanes: but concerning you, who are the breaker of the law, you had little cauſe ſo to do, being lame, becauſe ſuch men ſhould rather keep themſelues from ſtrokes, then deſire to ſtrike anie man, becauſe they are the weakeſt: alſo you were not conſtrained therevnto, and therefore you were rather to expect for more hurt, then anie good to happen vnto you by the ſame blow; whethereby it may be ſeen that anger is an enemie of good counſell, and forbearance is the beſt meanes to bridle rage: for if you were not wronged by the officer, you deſerue double puniſh-

niſhment for ſtriking him: and if you were iniuried, yet the badge of his office might haue ſerued for a warrant that there was a Magiſtrat, of whome you might haue had right, if you had accuſed him boldlie, alleaging that he which was to redreſſe wrongs, had wronged you: but in not doing ſo, wee muſt come to this that you haue done, which is, that you haue beaten the Magiſtrate his officer: you ſay it was with your left hand, the which is verie vnlikelie, becauſe few men are left handed, and you eſpeciallie cannot ſo be, ſeeing that if you were ſuch by nature, yet were you conſtrained of long time to vſe your right hand, and verie hardlie could you euer remember your left hand, vnles it were when you ſtood in anie need thereof: if you ſay that it ſerued you onlie to ſtrike withall, it is a ſigne that you had a will, or that you were accuſtomed to ſtrike, which is a kind of offence. Finallie there is ſufficient proofe that you haue ſtroken, and you confeſſe the ſame, but you cannot prooue that it was with the left hand, neither is there anie likelihood at all of your ſaieng, wherfore if you haue no other proofe, you may account your ſelfe for a condemned man, for the law intendeth that you ſhall loſe a hand: how can one now take away that which you haue wanted long ſince? bethinke you then to prooue your ſaieng, or ſuffer the law (which you haue miſtakē) to be executed vpon you, to giue example to others, that hereafter they be not ſo raſh. For to cut off your vnprofitable hand, ſhould bee rather a pleaſure then a puniſhment to you.

The Anſwere.

THe zeale which I bear vnto the Commonwealth, maketh me to confeſſe my great preiudice, that lawes are both to bee kept and executed: and I fur-

further proteſt that it were better for mee to bee puniſhed, then anie other (emboldened by the example of your pitie, or my fault) ſhould commit a more hainous crime then I haue done: for I doe know that oftentimes the clemencie of the Magiſtrate is abuſed, and men are as apt to hope for fauour, as they are prone to commit faults: wherefore I would not that the pardon of my offence ſhould bee the cauſe that others might offend: For the Goſpell ſaith, that it is neceſſarie that offences ſhould happen, but woe bee to him through whom the offence happeneth; God forbid then that I ſhould bee hee, ſince I neuer had anie ſuch intention: although I haue offended as a man, I will not perſeuere in the ſame like the diuell, the firſt motions of our wrath are not in our power, it behoooueth vs therefore to correct that afterwards by reaſon, which hath beene committed by rage. As I confeſſe to haue ſmiten the officer, ſo alſo doe I not refuſe to loſe that hand which offended, to the end that it may be as wel a remembrance to my ſelfe, as alſo an example vnto others, not to commit the like fault: the law ſaith, that the ſame hand muſt be cut off, which did ſtrike the officer, why will you then cut off the other, ſeeing that the ſame is a greater breach of the law then to pardon me for all? Moreouer I am not altogether lame of this hand, nor ſo ſtrong to loſe the other for the offence of this: It hath ſerued me (ſuch as it is) for many purpoſes. If I had not alſo had a iuſt occaſion, anger had neuer prouoked me to haue ſtrooken your officer, but hee being of your opinion, that lame men either ought not, or durſt not ſtrike, hath conſtrained me by his inſolencie to ſhew him, that anger and feare, can make all things eaſie, and that neceſſitie hath no law; for being vrged by his iniurious ſpeeches, and

fea-

fearing leaſt from words he might proceed vnto deeds, I had a deſire to preuent him, and neither remembring law nor Magiſtrat, I haue confirmed your ſaying, That anger is an enemie to good counſell. But hee himſelfe hauing indeed an office, (yet wanting diſcretion to vſe it) ought not to wrong anie man, but if a man did him wrong, (as you ſay of me) ſo ſhould hee ſeeke redreſſe thereof by iuſtice: and to ſpeake a truth, there is no inſolencie, which ſuch men dare not commit vnder the colour of their office, preſuming that if they doe ſtrike anie, they ſhall bee either maintained, or (which worſt is) acquited for the fault: I will not ſay that the iudges fauour them, but their actions giue ſuſpition thereof, alſo ſome of them doe prouoke men to ſtrike them, to gaine monie thereby. But if the puniſhment were as ſeuere againſt them, as it is againſt others, they would be more modeſt. You ſay ſir that I cannot prooue with which hand I did giue the blow, no more can hee, and to ſay that it is likelie to bee with the right hand, is to iudge but by coniecture, without further proofe, which is againſt all ſound reaſon: notwithſtanding, I wil ſhew you that this coniecture is not good, becauſe that this inſolent fellow is not the firſt that I haue ſtroken with this hand, for it was a terror to my children, ſeruants, and ſuch others as I did ordinarilie chaſtiſe, reſeruing my ſound hand for more vrgent occaſions, fearing alſo leaſt I ſhould hurt it like as I did ſee one man, who in ſtriking a blow did breake his arme, and another by a ſtroke with his fiſt, did put the ſame out of ioint, the which miſchance falleth out manie times, and eſpecial-lie in ſtriking women, for they doe curſe ſo bitterlie, as happie is hee which eſcapeth their banning. Behold then how I haue beene accuſtomed to ſtrike with this

hand,

further proteſt that it were better for mee to bee puniſhed, then anie other (emboldened by the example of your pitie, or my fault) ſhould commit a more hainous crime then I haue done: for I doe know that oftentimes the clemencie of the Magiſtrate is abuſed, and men are as apt to hope for fauour, as they are prone to commit faults: wherefore I would not that the pardon of my offence ſhould bee the cauſe that others might offend: For the Goſpell ſaith, that it is neceſſarie that offences ſhould happen, but woe bee to him through whom the offence happeneth; God forbid then that I ſhould bee hee, ſince I neuer had anie ſuch intention: although I haue offended as a man, I will not perſeuere in the ſame like the diuell, the firſt motions of our wrath are not in our power, it behooueth vs therefore to correct that afterwards by reaſon, which hath beene committed by rage. As I confeſſe to haue ſmiten the officer, ſo alſo doe I not refuſe to loſe that hand which offended, to the end that it may be as wel a remembrance to my ſelfe, as alſo an example vnto others, not to commit the like fault: the law ſaith, that the ſame hand muſt be cut off, which did ſtrike the officer, why will you then cut off the other, ſeeing that the ſame is a greater breach of the law then to pardon me for all? Moreouer I am not altogether lame of this hand, nor ſo ſtrong to loſe the other for the offence of this: It hath ſerued me (ſuch as it is) for many purpoſes. If I had not alſo had a iuſt occaſion, anger had neuer prouoked me to haue ſtrooken your officer, but hee being of your opinion, that lame men either ought not, or durſt not ſtrike, hath conſtrained me by his inſolencie to ſhew him, that anger and feare, can make all things eaſie, and that neceſſitie hath no law; for being vrged by his iniurious ſpeeches, and

fea-

fearing least from words he might proceed vnto deeds, I had a desire to preuent him, and neither remembring law nor Magistrat, I haue confirmed your saying, That anger is an enemie to good counsell. But hee himselfe hauing indeed an office, (yet wanting discretion to vse it) ought not to wrong anie man, but if a man did him wrong, (as you say of me) so should hee seeke redresse thereof by iustice: and to speake a truth, there is no insolencie, which such men dare not commit vnder the colour of their office, presuming that if they doe strike anie, they shall bee either maintained, or (which worst is) acquited for the fault: I will not say that the iudges fauour them, but their actions giue suspition thereof, also some of them doe prouoke men to strike them, to gaine monie thereby. But if the punishment were as seuere against them, as it is against others, they would be more modest. You say sir that I cannot proue with which hand I did giue the blow, no more can hee, and to say that it is likelie to bee with the right hand, is to iudge but by coniecture, without further proofe, which is against all sound reason: notwithstanding, I wil shew you that this coniecture is not good, because that this insolent fellow is not the first that I haue stroken with this hand, for it was a terror to my children, seruants, and such others as I did ordinarilie chastise, reseruing my sound hand for more vrgent occasions, fearing also least I should hurt it like as I did see one man, who in striking a blow did breake his arme, and another by a stroke with his fist, did put the same out of ioint, the which mischance falleth out manie times, and especiallie in striking women, for they doe curse so bitterlie, as happie is hee which escapeth their banning. Behold then how I haue beene accustomed to strike with this

hand,

hand, so as being stirred vp with choler, I did not remember that my right hand would haue giuen the greater blow. Wherfore it is no reason to punish that hand which offended not; and thinke not that you cannot hurt me in cutting of this hand, since it is not so vnprofitable as you say, neither can I thinke but that your meaning is rather to ioine iustice with mercie, then to desire to conuert the same into crueltie, which should be a thing abhominable before God and man.

Declamation. 7.

Of him that became Senator, and Generall of an armie both at once.

THe law of the ancient Common wealth was, that no man might be the Generall of an armie, except hee were a Senator. Now it happened that two Senators did striue for the foresaid dignitie, but the whole Senate seeing their obstinacie, would not grant it to one, for offending the other, but did elect such a man, a new Senator as was approued for militarie experience, then the next day following, they made him Generall: The other two disliked thereof, saying:

NOble Senators, if you but consider that vnitie onlie maintaineth al degrees of persons, in dignitie, authoritie, and prosperitie, you would know that you had done greatlie amisse, because that there is no meanes more fit to maintaine this vnitie then loue, fauour, and requitall of benefites; not that I will say that loue is grounded, or ought to bee groun-

grounded vpon fauours, benefites, or other profit or intereſt: for if it were ſo, the profit ceaſing, the loue ſhould breake, becauſe al friendſhip which is grounded vpon gaine, ouerthroweth it ſelfe, ſo great is the weakeneſſe of men; Wherfore I ſay, that true friendſhip is no where, but amongſt the vertuous, & groweth between them through the affection which they doe equallie beare vnto vertue, which ingendreth in them a conformitie of manners, from whence doth ſpring the perfect inward friendſhip, the which doth proue it ſelfe by outward pleaſures and good turnes: yet theſe are no other then boughs, flowers, and leaues of the perfect tree, for the fruit lieth in the verie force of loue, & vertue, which neuer abideth without reward, for ſhe paieth her ſelfe with a certaine contentment, which may ſooner be felt, then expreſſed by words. Now this loue with his qualities were requiſit to be in our Senat, to maintaine vnitie therewith, but the contrarie is here found, ſeeing that enuie hath ſupplied that place which friendſhip ought to poſſeſſe: ſo in ſteed of vnitie, we haue nothing but diſſention and diſcord, which doth blind the moſt part of vs ſo much, as it ſeemeth that we doe not know one another, but by the face onelie; and the moſt commendable qualities, which are our vertues, are wholie forgotten. If it were not ſo, what ſhould haue mooued you (O you Senators) not onelie to defraud both of vs of our pretended dignitie, but the more to diſgrace vs, to giue it vnto one that neuer was of the Senat? For it may be trulie ſaid, that you haue done that which you will not openlie confeſſe, which is, that firſt you gaue him the eſtate of a Generall, or at the leaſt you appointed him vnto it, and afterwards you made him a Senator, ſeeing that it was neuer before determined to re-

ceiue

ceiue him into the Senat, which doth plainelie ſhew, that enuie doth make you forget your ſelues, for if you accounted vs not worthie for ſo waightie a charge, was there not ſome other in all the Senat, vnto whome you might giue that which wee demaund? is it neceſſarie to beleeue that this priuate man is more worthie then anie of the Senators beſides? If it bee ſo, great was the ingratitude of the Senate, that they receiued him no ſooner into their ſocietie; then when hee had there firſt made proofe of his vertue and wiſedome, you might afterwards haue encreaſed his honours: ſo did our anceſtors, who ſo long time haue maintained and encreaſed this Commonwealth, which maketh me to feare that doing otherwiſe, it may decreaſe, God forbid I ſhould ſay quite decay: but it cannot be denied, that all faculties doe better conſerue themſelues, by ſuch meanes as they firſt tooke their beginning, and are thereby ſooner encreaſed, then anie other way: but this man is rather made a Generall then a Senator: is not this plainelie a contemning of this ſacred aſſemblie: who ſhall reſpect vs if we doe diſhonor our ſelues? Being not reſpected, how ſhall we be obeied? Being not obeied, how can wee gouerne the Common-wealth? Being not gouerned, what may it looke for, but ruin and deſolation. Let vs confeſſe one of theſe two things, that either this man may bee well ſpared, or muſt of neceſſitie be vſed; if hee muſt needs bee vſed, then ſurelie hee deſerueth, (I will not ſay the principalitie) but more then hee hath, and yet there is no difference betweene the dignitie of a monarch and the degree of a Generall: What are they amongſt the people that haue beene his companions, which will not bee perſuaded that they deſerue as much or more then hee? For the moſt ignorant are ap-

teſt

teſt to beleeue how they are worthie of the chiefeſt promotions, and becauſe they neuer mannage anie affaires of importance, they know not what burden and difficulties are therevnto incident, whereby they doe imagine them to be moſt eaſie: and that is the cauſe alſo that by little & little they would entrude themſelues into ſuch authorities, as wee may perceiue the ſame by the people of Rome, who after they had obtained the office of Tribun, durſt afterwards aſpire vnto al the reſt, yea and eſpeciallie to the conſulſhip; and neglecting all forraine wars, they were oftentimes vpon the point to bee ouerthrowne, without the helpe of the Dictators, and Cenſors, who by little and litle reſtored the authoritie of the Senat, & it was then that Rome was able to ſubdue all the world, and we on the contrarie doe giue the people the head, for which they neuer durſt hope: O vnhappie that wee are, who would euer haue beleeued that we ſhould haue committed ſuch a fault? From the which the Lacedemonians, Athenians, Thebans, Romans, and other Commonwealths haue more carefullie kept themſelues, then from anie contagious plague: Muſt wee then bee the onelie inuenters of a thing ſo pernicious? Truelie wee may rightlie ſay that our ſinnes is the cauſe thereof, for when God will puniſh men, hee taketh away their vnderſtanding, as hee hath done from vs: emulations are common in euerie Common-wealth, but they ought to be honeſt, gouerned with modeſtie, without paſſing ſo farre, as paſſion may make vs forget ſuch things as bee decent. Wee are not ignorant, that manie of the Senators deſired, and deſerued the authoritie which we require: wherefore there was a more honeſt meanes to refuſe vs, then to giue that vnto a common man, which was denied vnto

ſuch as were noble. I paſſe ouer with ſilence our deſerts, but I dare trulie affirme, that there is no Senator which deſerueth it not better then hee, but though hee ſhould deſerue it better then anie of vs, I demand vpon what authority this reputation conceiued and brought forth in one night, was grounded? Who will willinglie obey ſuch a Generall, that till now hath alwaies beene commanded? Who will haue the heart to fight valiantlie vnder him? What youth of the Nobilitie will follow him? Conſider that the Venetians, which are at this day moſt politicke people, do greatly ſhun to commit ſuch a fault, or if they ſhould haue done ſo (conſidering that the ſhorteſt follies are beſt) they would haue beene preſentlie readie to redreſſe it: What doe you expect? Surelie that this man hauing once taken a taſt to command, will by the fauor of the people aſpire to be king. I know not what more to ſay, but that in this fact there is no likelihood of good, but the hurt thereof is verie manifeſt.

The Anſwere.

THat friendſhip and vnitie whereof, you haue ſo largelie diſcourſed, is not ſo farre from vs as you ſay, how can you tell if you are as free from ambition, as we are from enuie, & from other paſſions, wherewith you too preſumptiouſlie do ſlander vs: Neuertheleſſe, wee will onelie tell you, that hee who is moſt ſecret, commeth neereſt to the deitie; for God is verie ſecret and wonderfull, as well in his iudgements as in his works: which is the cauſe that verie often, men doe imagine that which hee ſendeth to bee hurtfull for them, but within a certaine time after they

they doe find that nothing can be more wholsome vnto them: yet God doth not shew the reason vnto men wherefore hee doth it so secretlie: In like sort it is not alwaies lawfull or reasonable that the Senate should wholie declare vnto such as doe couet, or request a thing at their hands, the cause why they ought not to obtaine it, and wherefore it is giuen vnto one that neuer durst presume to demand it: content your selues then with that which we shall tell you by our owne accord and free will, more to please you then for anie need we haue so to doe: for you must not presume that you two are more wise then all the Senat beside, least you verifie the prouerbe, which saith, that the first point of follie, is for a man to thinke himselfe to be verie wise; and hee is the most foole that thinketh himselfe more wise then manie other: for so much as follie is an euill without griefe, for if were not so, one might hear more gronings, cries, and complaints then hee doth, and it may bee griefe might hinder my selfe from speaking so much. But comming to our purpose, your selues ought to consider, that no man hath denied you anie thing in dispight, but we haue not granted it vnto the one, for feare least hee should not say that which you now doe both together declare, and we haue done no smal good in vniting you so well together to cauell with vs, whereas in granting it to one, you perhaps might haue beene enemies, and yet you say that wee haue no care of vnitie, hauing notwithstanding vnited vnto our Collegue a man worthie to haue beene long since there: but it is better late then neuer, and we haue recompenced our slackneſſe, by the encreasing of his authoritie. You say that he is not noble, I thinke that your ancestors made themselues noble by vertue, from whence commeth

the true lawfull nobilitie, and the baſtard oftentimes commeth of the right blood: euen ſo vertue maketh our Generall noble, and the dignitie confirmeth this noblenes. It behoued vs to beware, not to ſet ſtrife and enuie betwixt you two for this dignitie, for ſo much as ſtrife betweene two men of your qualitie, is verie hurtfull to the Commonwealth. *Demoſthenes* and *Eſchines*, being enemies, were ſo daungerous to the Commonwealth, as it was neceſſarie to baniſh one of thē, yet the Athenians did too late perceiue that it had been better to haue baniſhed both together, for in the end they did know (but too late) that in thinking to keepe the beſt, they baniſhed him that was leaſt hurtfull, therefore it is good with wiſdome to preuent ſuch extremities both hateful and hurtfull. Furthermore it is not ſo needful as you ſay, to hold alwaies one maner of gouernment, for our elders changed their gouernmēt euē as the time required, prouided alwais that they touched not the matter of Religion, the innouatiō wherof is truly verie dangerous; the which the Romans wel obſerued, & yet the Hebrews better: but touching the reſt, whēce ſhold the eſtate of Dictator, Cenſor, & other Magiſtrats proceed, if they had not changed the gouernment according to the occaſions? and it is not to bee thought ſo ſtrange a matter that we haue made this man General, being our Citizen, wel reputed and vertuous, ſeeing that the Romans, eſpecially that great *Romulus* (who could not ſuffer his brother for companion) did wel inough endure that *Titus Tatius* (who was no Roman, but a Sabin, and not many daies before his mortal enemy) ſhould be his cōpaniō in the kingdom; the ſame Romans did afterwards make *Numa Pompilius* their king, who was alſo a Sabin; then *Lucius Tarquinius*; *Priſcus* borne in Tuſcane, of the

Grecians

Grecians race: then *Seruius Tullius*, not onlie a ſtranger but the ſoune of a bondman: what danger then may come by making Generall, one that is our Citizen, the which authoritie wee may take away at all times, and we need not come to this extremitie, to argue whether we may ſpare or of force muſt vſe him, for euerie extremitie is odious, but it is to bee thought that the Senate hath done it for ſome good reſpect, which as I ſaid euen now, is not to bee publiſhed abroad: but where doe you alſo find that the Senat ought to giue account of their deedes, to the firſt that ſhall demand the ſame? This were not to rule, but rather ouer miſerablie to ſerue, and the onlie means to ouerthrow the eſtate: for diſcloſing the cauſe, why euerie thing is done, were the onlie meanes to aduertiſe the enemie of the practiſes which are held againſt them: which trulie ſhould bee the greateſt indiſcretion in the world. When you ſpeak of the Venetians, you allow our deed, for they alwaies doe take a ſtranger for Generall of their armie, and oftentimes men of low degree, but they muſt be old ſouldiours: as was *Gatta Melata*, who hath at this daye his image of braſſe ſet vp in Padoua, then *Carmignola*, *Bartholmew Couillon* of Alua, and others: eſpeciallie at another time they offered to make *Andrew Dorea* of Genoua their admirall, although the Genouans are the greateſt enemies of the Venetians, and ſuch as heretofore holding them beſieged, had almoſt quite depriued the Venetians both of countrie and freedome: hee which ſhould haue demanded why they would truſt their army at the ſea, which is al their force, in the hands of a Genouan, they would haue ſaid that the time required it: ſo dooth the time require to doe that which we haue done, and we doe not amiſſe, immitating a far

off, this Common-wealth so greatlie esteemed by your selues. Touching this which you say that this our Generall might aspire to the kingdome, this deuise is as dangerous to you, in speaking it, as to him in thinking or enterprizing it: for speaking it you do like some such confessors, who in steed of reproouing vices, do teach them vnto those who confesse themselues, demanding of them such things as they neuer had anie kuowledge of, which is a thing dangerous both for the one & the other: Wherfore I will say that if herein you offend for lacke of discretion, you doe not onely not deserue the pretended dignitie, but also you are not worthy of that which you doe hold: and if you speake vpon malice, you deserue grieuous punishment; consider then well what you haue done.

Declamation. 8.

Of the Roman Censors who were reuenged vpon Mamercus, *for hauing abridged their office.*

When the office of Censor was instituted at Rome, their authority was to continue fiue years, which was obserued vntill the time that Mamercus Emilius, *Dictator (hauing vanquished the Tuscanes by his authoritie without fight) did make a law for the profit of the people, that no Censor might hold his office longer then eighteen months, with the which, the Censors being displeased, they made him to pay eight times as much contribution, as he was wont, whereof* Mamercus *making no account, one of his kindred opposed himselfe against the Censor, saying.*

There

THere ought no Dictator to bee made without hauing first great proofe that he should not do any thing, which were not most profitable, and most honourable for the Common-wealth: For this office being more great then all the rest, being able of his absolute authoritie to doe all that which seemeth good vnto himselfe, it is very daungerous in the hands of a man, which is vnworthy of it, either by his ignorance, or iniquity; for ignorance may both cause the Common-wealth and himselfe to decay, and iniquitie may vsurpe the gouernement: and therefore they deserue greeuous punishment who doe abuse this office; and further I wil say, that if *Mamercus* haue not well vsed it, he is more worthy of punishment then any other, seeing he cannot be accounted for an ignorant man hauing had the Dictatorship two seuerall times. I leaue a part his other honors, although they altogether doe at large beare witnesse of his capacitie: but if he haue not offended (as I see not that he is accused of any man) I know not what such doe deserue who doe hurt him, whom they cannot accuse that he euer harmed them. I doe demand, O you Censors, why you doe encrease his contribution eight fold: is it because (exercising the Dictatorship one yeare since) that hee hath multiplied his wealth in such quantie, or rather that heretofore you haue not taxed him with the eight part of that which iustlie he ought to pay? if you haue fauoured him so much, O you Censos, you deserue punishment, as also he deserueth not onely to lose all his goods but like punishmẽt, if his goods be so greatly increased: for hardly could he iustly gouerne the Common-wealth, and encrease his owne substance in such

abundance,but do you verily beleeue, O you Cenſors, that your impoſition can in anie ſort be the ouerthrow of *Mamercus*? Doe you not know that the more vertue is oppreſſed, the more ſhe doth flouriſh, much like vnto ſaffron, which the more it is beaten, the better it groweth? Hath not *Mamercus* beene greater then you alreadie, and may he not ſo bee againe? What might then befall if he were ſo full of reuenge as you are? Do you think that it would be any benefit vnto the Common-wealth? Doth he want any meanes, friends, or fauour, as well of the Senators, as of the people? No truly: but thanks be to the Gods, he neither hath, nor euer had anie wicked intention: this one thing which aboundeth in you, is wanting in him. But what hath moued you to perſecute him ſo cruelly? Wherein hath hee offended you? Forſooth hee hath abridged the tearme of your authority,is not this all? Hath hee not more abridged his owne? Deſiring therby to make you know, that offices are not to bee ſought for: but when any one is called thereunto, hee ought to thinke vpon nothing,but the good of the Commonwealth,and for the aduancement thereof,he muſt neglect his own profit,the which vertue is ſildome in any man, but if any ſuch be to be found,then were it good for them & their family that they ſhould not continue long in office,and if they bee otherwiſe,it were farre better for the Commonwealth that they neuer had office at all: I dare not iudge or ſay what you are, ſeeing you deſire the office for fiue years,not conſidering whether you may liue ſo long or not, but this is the miſchiefe,that your ambition,I will not ſay auarice, doth deceiue you in ſuch ſort, that without any other reſpect, you hate euen thoſe who take care, both for the Common-wealth and for

your

your benefit, and you must not think although *Mamercus* be esteemed a noble gentleman, that he will alwaies pocket vp these your slight faults, and leaue the matter at this stay, whereby you may be emboldened to abuse either his, or any other mans patience hereafter; for henceforth we doe appoint that those which haue ben the former Censors, shall be the correctors and iudges of such as shall newly come forth of their office.

The Answere.

WE do confesse that the Dictator should be such a man as you say, but you did not or at the least would not tell what els was requisit for him to doe, which is, that he ought also to consider to what end he was created, whether to represse the Tuscans, or to abolish, or abridge the authority of the officers, appointed by the Senat and people, as if he alone were wiser then all the rest. There was neuer any Dictator made, vnlesse it were to withstand those casualties which could not otherwise be redressed: We doe not stand vpon the necessity of this abridgement, but doe onely demand if it could not be done vnlesse a Dictator should by this deed embolden the people euery day to attempt new matters? And giue an example vnto the succeeding Dictators, to do other things, thē those for which they are ordained: for of all things as well good as bad, the beginning is the chiefe point, so that it is most dangerous to be the ringleader vnto others to doe amisse, because suddainly they alleage the example of him that went before them? For the greater his authoritie is, that was the first inuenter of any such matter, so much the more pernicious is the same vnto the

Common-

Commonwealth: therfore we haue not done amiſſe, if that ſhould happen which you ſay, becauſe thoſe which would follow his example, ſhould alſo remember that ſuch preſumptuous acts do not ſo greatly profit, as they are ſuppoſed. But we haue not burthened him for this cauſe, but only becauſe it was our dutie ſo to doe, and we are no more bounden to giue an account of our actions, then he is of his, the which ſeeme no leſſe contrary to the Senat, then fauourable to the people, who are ouer inſolent of themſelues already: and although we will not ſay that *Mamercus* entendeth by this popular fauour, to performe ſome bad act: yet who ſhal hinder ſome to thinke that by ſuch like means a man may imagine to aſpire vnto ſome ſuch vniuſt matter: I will not ſay to be tyrant, for there is more then one way to attaine vnto the ſame: as there are many ſorts of tyrannies: Wherefore it is the duetie of a good Citizen to ſhew that he doth quite deteſt euery act that may breed any ſuſpition. Therefore it were no wiſdome to come vnto this extremitie of the deſerts, either of his or our actions; for the diſputation thereof would be no leſſe difficult, then dangerous: ſo that it were better to deferre that vntill you haue obtained (as you ſay) that we muſt be adiudged and corrected by our predeceſſors, in the meane ſeaſon let vs now pretend that our authoritie is more then your vnderſtanding doth allow it. We are not ignotant of *Mamercus* his vertue, neither can we but know what fauour, kindred, and meanes he hath, nor hath he offended vs, but rather the Magiſtrat, and the Common-wealth; for hauing abridged the office, he taketh away the men euen then, when they might doe moſt good therein: for there is no man ſo perfect, that at the firſt committeth not ſome faults, or at the

leaſt

leaſt wiſe doth not execute a charge better, after he hath beene exerciſed in the ſame ſome years, then when he firſt began to vſe the ſame, the which neither he himſelfe, nor you can with reaſon denie: neuertheles, there is no malice in vs, but rather in you, that doe not only accuſe vs, but threaten vs, aſwell with the future authoritie of *Mamercus*, as alſo that we muſt anſwere our actions vnto thoſe that ſupplied this office before vs: but conſidering that threatned men doe liue long, and ſuch as do moſt fear, do foreſt threaten: and becauſe threatnings are for the moſt part ſure weapons to defend the threatned, we will make no account thereof: and the rather becauſe they come not from him, whom you pretend to haue the greateſt wrong, who is ouer wiſe to vſe ſuch ſpeeches, and though he ſhould, yet could we anſwere him well inough, no man knoweth better then himſelfe whether his wealth be increaſed, and whether his impoſition be ouer burdenous or no: if he doe either affirme it, or you doe prooue it, we will anſwere you, and if we haue heretofore ſpared him, it was becauſe the time did ſo require it, and for ſome other reſpects, wherewith we are not to acquaint you: Finally *Mamercus* during his office, did that which he thought good, and we during ours, neither haue, nor will doe any thing but that which is good, honeſt, and reaſonable, and we are not to anſwer you for our actions. God graunt that the people doe not beleeue that *Mamercus* hath abridged the office of Cenſors, for the ſame end and purpoſe as *Spurius Melius* extended his liberality of corne vnto them.

Declama-

Declamation. 9.

Of the husband that slew his wife, for hauing lost two of his children, the one by fire, the other by water.

A Certaine woman as she was washing and wiping her little sonne, did see her yong daughter fal into the fire, whereupon being ouer hastie to helpe it, she let her sonne fall into the boule of water, wherein he was drowned, hereupon her husband happened to come in, who presently slew her: The womans kindred apprehended him & accused him vnto the iustice, saying:

THis wicked fellow not being content with two mischances, would needs ad therevnto a third mischiefe: O what griefe ought ours to be, that hauing not only lost our yoong nephew, and his mother, but being iustly prouoked thervnto by this damned deed, we must likewise procure the death of this wretch, which in an vnluckie houre was our kinsman: seeing that he alone must be the dishonor of all our linage, dying as a publique spectacle by the hands of a hangman, according to his deserts, because he hath ben worse then a hangman to his poor wife, whose only company he deserued not, being so chast, honest, and vertuous, as she was, bearing a sincere and deuout loue vnto him who was her butcher, so as I dare say and beleeue that this soule of hers, no lesse louing, then innocent, dooth yet lament in another world, not only in that she was martired by him, who ought to haue loued, cherished, and defended her from

all

all others that would haue hurt her, but also taketh pitie vpon the most iust miserie of this murther, and as whiles she liued, she alwaies preferred his contentment before her own, so now she would thinke her selfe happy, if it were possible, that she might once more die to saue his life: as did the charitable *Alceste* to saue her most deare *Admetus*: but I would demand of this wicked man, wherein his wife had deserued to die by the hands of him, who had sworne to keep and defend her from all iniurie? Alasse, an ouer vehement charitie made her commit a fault, which as it fell out was great, but to be blamed for it, she is not: For a motherly loue and a naturall charity (seeing her daughter fallen into the fire) made her forget that she held her sonne in her armes. Alack her sorrow might very well haue sufficed, not only for a penance, but also as a most sharp punishment for her offence, the which this cruell monster would neuer consider, but heaping mischief vpon mischiefe, shame vpon shame, hurt vpon hurt, murther vpon murther, had a desire with the price of his life to slaughter her, who loued him more then the bals of her eies, euen the same who desired not to liue, but only to please him: but there are some men (of which number this is one) who the more the poore women are obedient vnto them, the more froward and cruell doe they become towards them, neuer cherishing them but with reproches, blows, & threats, so that they being alwaies possessed, or ouercharged with an excessiue feare, doe commit a thousand faults, because their minds are neuer free, to thinke vpon that which they are to doe: and who need to doubt but that the feare of this cruel man made the poore innocent forget that she should not haue hazarded the losse of one of her children, to haue

saued

ſaued the other: Wherefore if therein there was any fault, he is to be blamed for it, and notwithſtanding, he hath made her endure a moſt cruell puniſhment therfore, is there any loue more great then that of the mothers toward the child? Had not her pittifull lamentation for her fault committed, ben a ſufficient pennance for the ſame? Alaſſe noble iudges, the more ſtrange this caſe is, the more great is our griefe, which maketh vs to doubt, whether our complaints may be heard: and if they be heard, whether they are vnderſtood; if being vnderſtood, whether they be felt; for as much as hardly may they be felt by thoſe whom they concerne not ſo neerely, becauſe another mans hurt doth neuer ſeem ſo heauy vnto any, as it is to himſelfe. Wherefore we doe throughly aſſure you, that we can better feele our harm then expreſſe it: for when the mind is occupied with paſſion, the ſpirits muſt needs faint, whereby our ſences are ſtopped, and our ſpeech hindered. Conſider with your ſelues, O you iudges, if it be poſſible, how great our miſery is, and let our ſilence ſuffice to manifeſt that which we cannot vtter, be you then as iuſtly ſeuere, as this accurſed man is wicked and cruell.

The kindred of the accuſed doe Anſwere.

ALthough you doe imploy all your skill together with your malice, and ignorance, which you would hide, yet is the ſame more manifeſt then any other thing. You thinke that you haue ſhewed a great cunning in perſuading that it is fit to put a man to death, who would willingly be dead already: to what end ſerueth ſo much vaine prattle? Seeing that he denieth

nieth not his fault, and that the iudges doe know better then you, what punishment he deserueth: to what end is it to accuse such a one as accuseth himselfe? Where doe you find that it is reasonable to vex the afflicted, with iniuries? Or that which is worst, to encrease his affliction? It is you that would heape mischiefe vpon mischiefe, shame vpon shame, hurt vpon hurt, and finally you would increase the number of the dead, without considering that the same passions which made this dead woman careless of one of her children, to saue the other, did also stirre vp the poore disgraced man, to doe that which he ought not to haue done: I passe ouer with silence, the occasions, that she might more thē once, haue giuen him to haue vsed her ill, the which he hauing hitherto patiently resisted, hath alwaies endured, considering that he could not offend her, being the halfe of his flesh, without hurting himselfe: but at the last being prouoked in such sort as he was, blinded with a rage, no lesse extreame then iust, he hath done that which was no sooner executed, but he would haue reuoked it with the price of his owne life, the which he yet doth offer, to make satisfaction for his fault, for the which he is so penitent, that he will thinke himself happy to finish his griefe by death: but euen as iustice suffereth not those offenders to die, who would afterward liue honestly and well, so is it not reasonable to put those to death that desire the same: and like as they do not excuse, or dissemble with those, although no great accusation is brought against thē, that be malefactors, so also ought not their sentence, to be the more seuere for the multitude, or sharpe and cruell words of the accusers, but moderating the rigour of the lawes, according to the equity of their conscience, they ought to

iudge

iudge rightly, not laying all the fault vpon him that is accuſed, nor alſo wholie acquiting her that is dead, ſeeing that ſhe is not altogether faultleſſe. I will not here alleage any more reaſons vpon coniecture as you do, of the loue that ſhe did beare vnto her husband, for he might ſay, that he loued her as well, for againſt ſuch as we do beſt loue, are we moſt extreamely angrie, when the cauſe is great: but let vs put the caſe that he was teſtie, froward, and cruell, as you ſay, ought not ſhe then to haue hidden her fault for a time, and after haue cauſed ſome other to haue told him, or rather haue hidden her ſelfe, to auoid his firſt anger? You will ſay, that her paſſion did blind her iudgement: this excuſe ſerueth as much for him as for her: but this is the miſchiefe, that the moſt part of women are neuer readie nor aduiſed in doing any thing but miſchiefe, Wherevnto they applie their wits ſo much, that they are to ſeek in doing good: for if it were otherwiſe, a man ſhould not ſee a woman naturally more readie to frame an excuſe, inuent a deceit, or a leaſing, and other ſuch like remedies then a verie wiſe man could doe, Whereof alſo they make their boaſt: Finallie none can know their ſubtilties, malice, forwardneſſe to miſchiefe, and ſlackneſſe to goodneſſe, ſo well as he that is married, and yet they that haue ben often married know beſt, for if thoſe which are once married, deſerue to be placed in the rancks of ſuch as are diſeaſed, the others may be accounted in the number of thoſe that are mad. Touching your other reaſons there is no need to anſwere them, ſauing only that the womans friends and kindred haue their ears continually full of the imperfections of their husbands, the which when anie miſchiefe happeneth, they can tell how to augment them, without conſidering that their

own wiues doe say as as much of them: Lastly, it may please the iudges to haue more regard vnto this poore accused soule, then to the insolent babble of his spightfull accusers: for who can be more worthie of pittie, then he vnto whom life is more bitter then death.

Declamation.10.

Of Caius Seruilius, *who is accused to haue slaine* Spurius Melius, *that had releiued the people during the famine.*

AT Rome during the time of the sixtie eight Consulship, the famine was so exceeding great, that many of the common people did throw themselues into the Tiber: then Spurius Melius, *one of the order of the knights, a verie rich man, hauing great acquaintaince in Tuscane, caused a great quantitie of corne to bee brought from thence, the which he did freely distribut among the people for a gift, so that by this meanes hauing gained the peoples loue, he aspired to the kingdome, whereupon being warned before the Dictator, he not only refusing to come, but also mooving the people to sedition, was slaine by* Caius Seruilius Hala, *maister of the knights; who shortly after was for this fact accused as an offender, by one of the Tribuns of the people, who said:*

HOw can a cittie be tearmed free, or well gouerned, where it is lawfull to kill a Citizen vnder the colour of a crime, before he be not only con-

demned, but also before his cause be tried, or his accuser knowne: and what man was he? Surely a man who in such a time being dead, ought to be raised to life againe, if it were possible: a man noble by his vertue, abounding in riches, the which he knew how to distribute, not onely according to the true order of liberalitie, but with a wonderful and more then humane charitie: but what charitie can be more great then immitating the gods, to preserue the poore from death? and especially from hunger, which in truth is the horribleſt death of all others: how wicked then is the nature of those, who desiring not to follow his vertue, haue borne him such hate, that being prouoked to rage at the report of one only accuser, (and it may be suborned) haue depriued him of life: some will say that he would not appeare before the Dictator: was there no other meanes to cause *Spurius* appeare, but first by placing guards through all the streets, and afterwards to send vnto him the master of the knights, to tell him that the Dictator demanded for him, and consequently that he was accused for aspiring to be tyrant? What man in the world is so resolute, that he will come on the sodain hearing that he is accused of treason? That knoweth a Dictator to be expressly chosen to condemne him, the which officer is neuer made, but vpon special cause, and to represse the enemies to the Commonwealth? That beholdeth a maister of the knights, chosen of purpose to carrie him away: Who would not be meruailously astonished at this, because the more innocent a man is, the more amased is he in the like extremitie? for it is very manifest, that those that are culpaple, foreseeing the dangers wherein they aduenture themselues, doe also foresee to prouide for remedies, or at the least, whē

dan-

dangers do happen, they are leaſt aſtoniſhed: but this man being as much afraid, as innocent, endeuoured to flie, to the end he might haue ſome leaſure to conſider from whence this ſo ſuddaine miſchiefe proceeded, or to auoid the firſt rage of the Dictator: who hauing his ears cloied with accuſations, and his mind occupied with paſſion, and anger againſt the accuſed (as he did very well manifeſt, ſending to ſeeke him with ſuch furie,) he diſpaired to find anie place reſerued to heare, much leſſe to waigh his iuſt excuſes: was there no meanes to ſend for him after a more modeſt order? It ſeemeth no; becauſe they would find an occaſion to do that which was done. If the commiſſion of *Seruilius* was to ſlay him? There was no need to expect anie further courſe of law. If his authoritie were but to fetch him, he could not kill him, without being in verie great fault, although *Spurius* had beene an offender? For hauing purſued him ſo neere, he might as well haue taken him, and brought him away with him, as murther him. Is it poſſible that a maiſter of the knights was ſuch a coward, that he durſt not, being armed on horſeback, lay his hands vpon a man running away? But I pray God that this be not true, which the people do murmure abroad: to wit, that *Seruilius* doubted of the truth of the accuſation, wherefore finding in his owne iudgement, an occaſion to depriue the partie accuſed, of audience, and a means to iuſtifie himſelfe, he ſerued his owne turne fitlie: to ſatiſfie the malice of the Senators, and the greedie auarice of the vſurers, who by the liberalitie of *Spurius*, loſt the meanes to finiſh the deuouring of all the poore people: for ſuch is the nature of the malicious, enuious, and couetous people, the one kind of which, doe thinke themſelues vndone to ſee another

man proſper; the other imagine that they are diſgraced, if any one attaine vnto honor; and the third ſort more worſe then all the reſt, doe think that to be loſt out of their owne goods, which they cannot wreſt foorth of the ſubſtance of another: wherefore ſuch people are hurtfull to all men, and worſt of all to themſelues, for they take as little pleaſure in that which they haue of their owne, as in that which they haue not at all: ſo that they poſſeſſing nothing but riches, doe neuer any good but when they die: for then is their vnprofitable treaſure ſet at libertie, and the Commonwealth is freed from their greedie deuourings. I paſſe ouer with ſilence that ſome doe preſume, ſeeing *Seruilius* triumph thorow the cittie, with his ſword all bloody in his hand, that he had ſome particular malice againſt him, and the more conſtantly is it affirmed, becauſe he might as well haue taken him as ſlaine him: others doe ſay that this blocke was throwne in his way, to confiſcate his goods, and they ſay that if it had been otherwiſe, all the Senat together had more cauſe to appeaſe the people, then *Spurius* alone; for they knowing how he was by dutie bounden, had no occaſion to ſtand in any doubt at all of *Spurius*: but it is pittie when men will not only do no good themſelues, but alſo perſecute thoſe which do it. God graunt that this which the people ſpeake ſo raſhly concerning the Senat, be not very true: but as touching *Seruilius* he cannot denie, ſeeing that (beſides the boaſting that is made thereof) there are ſtore of witneſſes, that he hath killed *Spurius*, and not one will ſay that the other made any reſiſtance, wherefore we demaund that iuſtice may be executed vpon him who hath beene the cauſe that the ſame was not done vpon *Spurius*, if he were culpable, and if he were not, then we require it,

be-

becauſe he hath ſlaine an innocent.

The Anſwere.

AShe whom I haue ſlaine was not guiltleſſe. ſo alſo I haue not only ſeene iuſtice executed vpon the offender, but haue further done it my ſelfe, becauſe I could not other wiſe chuſe; for it is manifeſt, that he is a malefactor that denieth to come to his anſwere, and he doth ſufficiently reſiſt and make his defence, that flieth from him that is ſent to bring him: touching the proof, how can thoſe be witneſſes againſt him, whom he had already ſuborned? Eſpecially ſuch as aſſembled themſelues to reſcue him from me, if I had taken him aliue: I will not ſay thoſe which euen now called him their God, and preſeruer of their liues, a matter illbeſeeming the Citizens of Rome, who ought rather to reward me for hauing rooted from amongſt them ſuch a one, who like vnto the fiſher, and fouler, (that with a little bait, deceaueth both the fiſh and birds, depriuing the one of their libertie, the other of their liues) would alſo doe the like by them: but it is commonly ſeen that as the belly hath no eares, ſo alſo hath the ſtomacke no diſcretion, the which is apparently prooued by the confederats of *Spurius*: wherefore it belongeth to you noble citizens, that are not bounden vnto him, and which haue not ſold your libertie for a morcell of bread: to you I ſay it belongeth to conſider what I haue deſerued, hauing ſlaine him, who with the helpe of a few faint hearted fooles would captiuate your ſweet libertie: as for that which the Tribun ſaith of the peoples mourning againſt the Senat, if he himſelfe be not the inuenter thereof, yet it is a ſigne at the

leaſt, that the people which vſe ſuch conference with him, doe very well know, that he taketh pleaſure therein, for if there were no eares that delighted in hearing ſlanderous ſpeeches, there would be few ſlanderous tongues: but how could I bring him aliue, ſeeing the people do yet ſo greatly affect him, becauſe time which changeth all thinges, hath not as yet changed their minds, but rather increaſed the ſame. If that be true which the Tribun doth raſhly ſay againſt the Senat? A man may eaſily tearme *Spurius* another manner of man then you ſay he is, although the crime had beene leſſe dangerous then it is: but when the matter concerneth the preſeruation of our libertie (ſeeing there was no reſpect had vnto the ſonnes of *Brutus* being faultie, nor vnto *Collatin* being innocent, and partly the author of the ſaid freedome) why ſhould *Spurius* be reſpected? And as you ſay that the Dictator is not choſen, but in great extremitie, his election doth ſufficiently witneſſe the extremity wherein the Commonwealth remained: true it is, that I told him, wherein he was accuſed, to the end that if he were guiltleſſe, he might be leſſe afraid to appeare before the Dictator, and being guiltie, haue the better meanes to thinke vpon his excuſe; but he had no deſire to take the benefit of my aduertiſement, but as one alreadie condemned by his owne conſcience, he endeuoured to flie away, for a true ſigne, that he is a malefactor which diſtruſteth as much in himſelfe, as in the iudges: if he had not beene faultie, why was he ſo fearefull? Seeing that innocencie dooth alwaies aſſure thoſe that imbrace her: but we may ſee by him, that Tyrannie is like vnto a faire and pleaſant pallace, that is high enough, but yet without ſtaires or ſteps to come downe without breaking ones necke: euen ſo thoſe

which

which by pride and ambition thinke to attain vnto honour and profit, doe for the moſt part meet with ſhame and confuſion: he needed not to feare that he ſhould not haue had time and place to excuſe himſelfe, ſeeing that there was neuer anie Citizen condemned in Rome, if his cauſe were but only doubtful: if his meaning were good in diſtributing the corne, why did he not come to declare the ſame vnto the Dictator? Finally if he had beene as innocent as he was culpable, I am not in any ſort to be blamed, ſeeing the Dictator hath not only allowed, but alſo publickely lauded my deed. I liſt not therefore further to diſpute of his innocencie, or his offence, but rather the accuſer that did accuſe him: And it appertaineth vnto the Dictator to defend me, hauing performed my charge according to his commandements, ſeeing that euen when I had done it, he allowed my fact to be good: and worthie for a maiſter of the knights as I was. But who will any more obey the Dictators, if when after their authoritie is expired, it may be lawfull for any man to ſue thoſe which doe accompliſh their commandements?

Declamation. 11.

Of the wife of a Tyrant, who hauing ſlaine her huſband, required his ſonne for a recompence.

THe law appointed, that whoſoeuer killed a Tyrant, ſhould obtaine of the Commonwealth whatſoeuer he demandeth, except onely the gouernement thereof: Moreouer, the ſame law ſaith, that after the death of the Tyrant, all ſuch as were neereſt of kinne vnto him, muſt likewiſe die, al-

though they be nothing culpable: Whervpon it happened, that the wife of the Tyrant (not knowing any cause why) did slay her husband, and required for recompence of her fact, that her sonnes life might be saued, and exempted from the foresaid law: but the Citizens declared that the same could not bee done, saying:

THe same law that promiseth you a reward, doth denie you him whom you demand, seeing that it commandeth expressely, that all the kindred of the Tyrant should die: wherefore if any other then your selfe had slaine him, you should haue beene one of the same number, yea and the first of all, as she that was neerer vnto him then any other of his kinne, and so consequently the chiefest partaker of his Tyrannie: but yet to fauour you, we will not now dispute vpon the cause of your killing of him, whether the same was done through hate, anger, or for some other particular reason, without anie regard at all of the common good: for although no act, be it neuer so good, is to be performed by any wicked meanes, yet do we allow your fact for good and laudable, and you may induce vs, to beleeue that you haue done it in a good zeale, and for our benefit, so that you will not desire to saue the Tyrants sonnes life: for in preseruing it, you shall not haue slaine, but reuiued the Tyrant, neither yet ended, but prolonged the Tyrannie, because it is more likely that a yoong man will liue longer then an old: for surely, although the Tyrants sonne be neuer so well disposed, yet shall we alwaies suspect him, can there be anie greater tyrannie then to stand in doubt of it continually, seeing that of all euils, feare is the cruellest part, for without it death it selfe should be a soueraigne good:

good: Truly a knowne Tirannie, were farre leſſe greeuous then a daily feare to fall into it would be, for the Prouerb ſaith, That much better is a knowne miſchiefe, then a doubtfull pleaſure: how much then ought we to preferre a certaine good, before a manifeſt euill? of the which good we can neuer be aſſured, ſo long as the tyrants ſonne doth liue: for the deſire of reuenge is ſo whot, and the couetouſneſſe to commaund and rule ſo vehement, that hardly may he forget who was his father: alſo it is to be feared that you would neuer haue ſlaine the ſire, if you had not thereby hoped one day to ſee the ſonne in his ſeat: which would be worſe for vs, then if the father were yet liuing. You will ſay, that the baniſhment of him whom we feare, might very well put vs out of doubt, the which can in no ſort be ſo, becauſe our enemies which might helpe him with their fauour and counſell are abroad. *Coriolanus* being baniſhed, would haue deſtroied Rome, had not his mother by her wiſe perſuaſions preuented him, ſo alſo would this our enemie not be the firſt, that of an exile would aſpire to be king, for ſuch as are farre from their countrie, experience and want, maketh them much more induſtrious, and reſolute; ſo that ſo long as he liueth, wee ſhall be like him that holdeth the wolfe by the eares, who no ſooner is let loſe, but he doth miſchiefe, and to hold him ſtill, is both irckſome and dangerous: for as the wolfe hurteth thoſe whom he ſeeth, before he be ſpied, euen ſo this race of aſpiring Tirants infect the righteous minds of thoſe which are not well acquainted with their nature. But would you willingly incurre this blame to haue ſlaine your husband for ſome other cauſe, rather then for the good of the Commonwealth? we haue no ſuch bad opinion of you yet, let your good

deed

deed then be found, and without ſpot, rather then to demand ſuch a thing, whereof vnto you there would come exceeding miſchiefe, and vnto vs moſt great danger; like as you know, that the law ſaith, that the Tyrant killer ſhould be rewarded, ſo you may remember as wel (as the reward) that it alſo ſaith, that all the Tirants kindred ought to be put to death. If you haue ſlaine your husband, neither for loue of the law, nor for the good of the land, you are greatly to be blamed, and to be puniſhed for murthering your husband: but if your zeale be good, ſuffer then that good may come therof. You will ſay, my ſonne is yoong: true it is, and therefore he may the more eaſily grow worſe then better, as thoſe doe who are by nature borne vicious, and they are ſuch for the moſt part as are borne of tyrannous parents, as his father hath ben prooued, and ſo ſhall you likewiſe be, if you obey not the law. Finally the father and the mother haue ben both very reſolute, the one to vſurpe, the other either to ſuppreſſe or deſirous to renue the tirannie: vntill now we doe not know whether of the twain was meant: but we know very well how dangerous the preſeruiug of a ſon borne of ſuch parents is, whoſe qualities he may very well follow: reſolue you then to put vs out of doubt (in asking ſuch a reward as may be graunted) that to a good and vertuous end you murthered the tirant, or els prepare you to receiue ſuch puniſhment as a woman deſerueth, that for her owne particular paſſions hath ſlaine her husband.

The Anſwere.

HOw now my good lords and friends? Are you deſirous that in you this deteſtable Prouerbe ſhould bee verefied, which ſaith, That there is nothing more vnconſtant, vnthankful, and more exceeding

ding insolent then the common people, so soon as they perceiue themselues free from feare? It should seeme then by this, that tyrannie, keeping you in awe and so consequently in obedience, would be more profitable for you then libertie: but God forbid that so it should be said of my countriemen: I had rather die a thousand times if it were possible: and seeing I haue not spared mine owne husband for the good of the Common-wealth, neuer thinke that I would spare my sonnes life, yea or mine owne vnto your preiudice. But I feare that we thinking to doe well, both you and I shall be blamed: I of crueltie, and you of crueltie and ingratitude together: for greater crueltie is it to slay an innocent, then to pardon an hundred offenders; consider then that her sonne who hath set you at libertie, hath neuer offended the Common-wealth, but as yoong as he is, he hath alwaies seemed to abhorre the cruelties of his father, who being put to death by my hands, the child hath verie constantly showne himselfe to be more glad for the benefit of the Commonwealth, then sorrie for the death of his father, and with a great contentment hath he left off his gorgeous apparell, and his accustomed delicacie, to conforme himselfe after my will, like vnto the rest of the Citizens: Why then my very good lords doe you desire the death of an innocent, which sheweth himselfe so affectioned towards you? And such a one as may one day do you good seruice? wherfore doe you not as well consider the good which he may doe vnto you, as the mischiefe which you imagine to be done alreadie by him? But the hate which you did beare vnto the father, you turn vpon the son; when you say that he is the sonne of a Tirant, why doe you not as well say that he is her sonne that slew the tirant:

If you wil not loue him for my ſake, at the leaſt let your hate be as little as your loue, and condemne him not, before he haue offended: let him liue a while, and if he commit the leaſt offence in the world puniſh him with death: loe then the gift which I doe craue for the reward of my deſert, not the life of my ſonne, but the delay of his death: you ſay that it is not you, but the law which requireth his death: it is to be conſidered, that all the interpretations or gloſes of the laws, ought rather to tend vnto clemencie then vnto rigour; and principally when the effect thereof tendeth vnto cruelty: for this law which ſaith, that all the kinne and adherents of the tirant muſt die, ought to be vnderſtood of thoſe which haue aided and aſſiſted him to exerciſe his tirannie, or that haue beene his partakers therein: but wherein might this poor innocent haue offended, who knoweth not as yet what tirannie meaneth? you muſt then remember my lords, that he is her ſon who hath made the zeale of her countrie ſtriue and triumph ouer the name of a Princeſſe, ouer the delights of the world, ouer ſoueraigntie ſo greatly deſired of women, the which they themſelues are vnapt to obtaine, ouer wealth, the which they ſo much eſteeme, and finally ouer a husbands loue, and a vowed faith: and that which is not the leaſt, eſteeming all impartial pleaſures as baſe, in reſpect of your generall profit. Remember that I haue depriued my ſelf of my husband, that I haue ſlain my child his father: what zeale would you haue more great towards our fellow countrymen? But if there were the leaſt ſhew in the world that he would euer be preiudiciall vnto you, I would not let for any thing to ſacrifice him by and by for your ſafetie: but ſeeing I am certaine that he will become a very good Citizen and a

faith-

faithfull louer of his countrie: following the ſame example which I haue giuen, beleeue me ſirs that I had rather die then he ſhould, as alſo I will not liue any longer after his death. Will you iuſtlie deſerue this infamie O you Citizens, not onelie to haue beene vnwilling to giue the promiſed reward vnto her that redeemed you? But alſo to haue ben the cauſe that ſhe ſuffered a death more ſorrowfull then the miſerable *Hecuba*? Alas, alas, why doe you not as well beleeue that he may prooue good as his mother, which is the ſurer ſide? and that he may not be ſo bad as the father of whome you haue beene reuenged by the hands of her, who more then any other was bounden vnto you. You muſt beleeue that the gods are iuſt and pittifull, and in this onlie point of pittie, men may follow them, and make themſelues almoſt like vnto them, as the Prouerb ſaith, That one man is a god vnto another, and ſometimes a wolfe vnto a man; take you thē that part which is moſt commendable. O courteous lords beware that you incurre not the anger of the gods & the reproch of men, and that which is worſt of al, take heed leaſt your ingratitude, or your ouer great deſire of reuenge, be not the cauſe to make you loſe the good wils of ſuch, who in ſome other vrgent affairs may aid, or doe you ſome worthie ſeruice: For ingratitude and crueltie are abhominable both before God and men.

Declamation. 12.

Of him who vnder coulor of obeying his father, diſpleaſed the prieſt that adminiſtred the ſacraments vnto him.

A Certaine honourable ladie being at the point of death, made her last will and testament after the desire of her curate: who had more respect vnto his owne particular profit and the commodity of the church, then to any the benefite of her kindred: whereupon so long as the ladie was able to say I, he alwaies added something or other vnto the will: when neither any of the sonnes, nor the father himselfe either would or durst gainsay him in any thing he did, for feare of troubling the mind of the sicke woman: but after her death and that the funerals were ended, there was some motion made to haue the said will reformed: wherevnto the curate would in no sort consent, but compelled the heires and executors to performe the same, vnto their great griefe. Some small time after, the husband of the deceassed chanced to fall into the like sickneſſe, and the curat handeled him after the same sort, as he vsed his wife, euen vnto his last gaspe, so that the poore man because he would leaue the world in peace, did still answere I: the which the eldest sonne perceiuing, (who but a little before was returned from the warres) he began to bee exceeding angrie: and imagined which way he might be reuenged of the Priest: Wherefore comming neere vnto the bed, he also began to increase the number of the masses, and dirges, whervnto the pacient stil answered, then in the end he said alowd, Is it your will that the curate be presently throwne down the staires? the sicke man said I, againe, not vnderstanding what his sonne said: the same was no sooner spoken, but the sonne tooke the Priest by the neck, and throwing him downe the staires, brake one of his armes. The curate accused him, and protested that he had wronged him, saying:

What

WHat treaſon may be more execrable then this, being committed vnder the coulor of pittie? I was called to comfort the ſicke, to adminiſter vnto him the holy ſacraments, & to admoniſh him of his ſouls health: when this vngodly fellow approched neere vnto the bed, and faining to aſſiſt my deuout intention, did wickedly betray me, as is manifeſtly to be ſeene by the maiming of my limmes. The deriding of the ſacred reliques, and abuſing of the patients will, might well haue ſufficed, without further adding therevnto this outrage. Who ſhal henceforth be the paſtor, that dare inſtruct the diſeaſed to haue a care of their ſaluation? Seeing the thanks which they haue, and the recompence which they receiue therefore, is the aſſaying to breake their necke? Verie true is that, which is commonly ſpoken of ſuch as follow warres, which is, that they neuer take pleaſure in anie thing, but in doing miſchiefe; and that they as much deſpiſe thoſe things which are ſacred and holie, as they doe eſteeme ſuch as are prophane. This lewd fellow hath not only ſticked to ſlander his owne father, at the houre of his death, but alſo careth not although he be damned for euer. O child of perdition, doeſt thou not know that at the laſt gaſpe conſiſteth either the ſaluation or damnation of men? How manie are there, who hauing alwaies liued godlie, doe damne themſelues at the laſt houre; and others hauing bene wicked, that by their end haue been ſaued? The good *Diſmas* who was crucified at the right hand of our Lord, ſheweth vs an example of the one, and *Iudas* an Apoſtle of the ſame Chriſt, is a figure of the other: how durſt thou thē trouble the laſt thoughts of thy father by thy inſolencie? Eſpecially outraging him

him whom with all thy might thou oughtest to defend, seeing that we doe here represent the Diuinitie: for the Pope representeth God, the Archbishop the Pope, the Bishop the Archbishop, and the Curate the bishop. I require then that the wrongs done vnto God, the Pope, the Archbishop, the Bishop, and to my person, may be repaired, and that he which hath committed it, may be punished according to his deserts: to the end that all such insolent persons, that will not bridle their affects, for the reuerence which they owe vnto God and his Church, may by his example beware that they incurre not the like punishment.

The Answere.

DO you call that Treason, to performe the same thing, the which you heretofore by law compelled vs to doe? That is, to fulfill the testators last Will: Now it is to be considered, that in al things we doe, we must begin at one end; as for me, I began first with the last, and the rather because the same not being set downe in writing, I feared that it might haue ben forgotten, or least by deferring of time (which is verie often the losse of occasion) I might be hindered from effecting the last commandement of my father: as also because he long before made a signe vnto me, that I should rid him from your companie, who had no other talke with him, but of temporall matters, that he might wholie apply his mind vnto God, and therefore he graunted vnto euerie thing which you demaunded, thinking that the best way to dispatch him from your importunities; but had you had your owne will, I beleeue you had ben there yet to trouble him: wherfore

I am not to be blamed, if I had a desire to doe this last seruice for my father, vnto whom I am more bounden then to you: for I remember verie well, that you your selfe (at such times as in my youth I came vnto you to shrieue) did alwaies inioine me to doe whatsoeuer my father and mother commanded me, without exception of anie thing: and if otherwise I did, I should be damned: thinke not then maister Parson, that for respecting you ouermuch, I will be damned: Moreouer you haue so manie times preached vnto vs, that a man must honour his father and mother, and that it is the first commandement that hath anie reward promised vpon the earth: how could I then better honor my father, then hauing compassion to see him so importuned, to deliuer him from such a paine, according to his good commandement? If you had taken as great care to the patient, as you did to the Notarie, you should verie well haue perceiued how he made a signe with his head that the same should be done which I did, though not so soon as I ought, because I would first be informed what his will was, which so soone as I vnderstood, I suddenly put it in effect, without suffering it to be set downe in writing, for feare least others seeing this testament, should also put in practise this last point, whē you gaue them the like occasion: could I then offend you when I thought vpon your chiefest benefite? Also I cannot beleeue that I haue slaundered my father, in yeelding such obedience as was due vnto him, and giuing him the means to apply his last thoughts vnto his true saluation: if there be anie fault done, it proceedeth of this, that I did not exactly vnderstād the progression of your dignitie, for I did thinke that men so worthie, ought to approch more neere the perfection of him, whom you

say they doe represent: This is all wherein I may haue failed, for the rest I referre me to the iudgement of those, which are of more knowledge then either you or I am.

Declamation. 13.

Of him that would disherit his brother, because he had smitten his father.

IT was an ancient law, that whosoeuer did smite his father should be disherited: whereupon it chaunced that a certaine yoong man being drunken, did strike his father, who imputing the fault vnto the wine, both dissembled the matter, and pardoned the offence: but the father being dead, without making anie will, the yoonger brother would haue his elder brother to lose his inheritance, because he had offended the law, saying:

YOu know O you iust iudges, that which the law hath appointed for those that strike their father, I require the execution thereof, and it must not serue his turne to say that the wine made him to doe it, for such an answere in steed of an excuse, would make him double in fault, and he is as well worthie to be excluded from anie part of his mothers good, as he is to lose euerie whit of his fathers inheritance: the one because he did beat his father, and the other because he vseth to be drunken, for the drunkard is more worse then a brute beast, which neuer drinketh but to maintaine life, but it

see-

seemeth that the drunkards liueth to no other end but onely to drinke. What mischiefe happeneth not thorow this vice of drunkennesse? The Partriarke *Noe* was the first that planted the vine, so also he was the first that was drunke therewith: what happened vnto him thereby? Nothing but onelie shame, anger, and displeasure; *Lot* also being drunken, committed incest with his daughters: *Cambisses* being reprooued by one of his faithful counsellors, because he was commonlie drunk, did with an arrow strike through the heart of the said counsellors sonne, saieng, can he be drunke that shoots so faire a shot? That great conqueror *Alexander* slew his Foster brother *Elitus*, comming from his banquet, and afterwards being sober, he would haue slaine himselfe for sorrow: but who knowes not that such fruits come of drunkennesse? Wherefore they being double in fault which commit wickednesse thorow that vice, deserue double punishment. And now to returne vnto our first matter, who will not say that my brother ought to lose his inheritance, seeing that he hath strooken our father, because the same maketh a doubt whether he be his sonne or no; and if he be his sonne, as I beleeue he is, the greater is his ingratitude, wherefore there is no need to stand vpon my fathers dissembling or pardoning of the wrong, for as much as I should likewise haue consented therevnto: but I will still say that it is fit to hang vp the vessels which doe containe such pestiferous licquor, and that there is too much fauor shown vnto those, who for drinking ouermuch, and afterwards beating their father, are but onlie disherited.

The Answere.

YOu blame me for an offence, the which I know not whether I did it or not, or if I did it, at the least it

was against my wil, but were the matter as you say it is; Yet were it not to be attributed to my fault, because I did not know him whom I offended. Trulie I confesse that I haue misdone in drinking too much, but you do most wickedlie sinne through malice, in going about to alter the meaning of your deceassed father, and to disherite your brother, that neuer did you anie wrong. Wherefore do you desire that a fathers kindnes should be abused? Why doe you make the world to doubt whether you be his sonne, and my brother? That he is my father his pittie hath declared, but your ambition and extreame auarice makes me doubt whether you be my brother, for brethren ought to loue together, and helpe one another, yea if need were to die one for another, as did *Castor* and *Pollux*, *Agamemnon* and *Menalaus*, with diuers others, whose fame shall be immortall; for this affection wanting, vndoubtedly they are no more brethren, but far greater enemies then strangers can be. I confesse also that wine is the cause of great mischiefes, and therefore I will keepe me from it, but you your selfe, do bring in a sufficient excuse for me, in saying that so manie great parsonages, being ouercome with wine, haue committed verie great faults, as well as I: as touching the double punishment which you would haue, your passion maketh you to giue that counsell, which neuer heretofore hath beene allowed for currant, but tell me who hath made you more wise then our father, and those that sit in iudgement, that you will make new lawes? Seeing that you haue receiued no offence thereby, and that our father hath made no complaint thereof at all. It is manifestlie to be seene that couetousnesse, and not a sonnes loue, inciteth you against me; for if such a zeale did stirre you vp, why

made

made you not your request during our fathers life? But you knowing verie well, that he was not, or at the least thought himself not offended, haue staied for his death to ouerthrow your brother.

Declamation. 14.

Of one that to escape his enemies, took away a Priests horse by force.

A Certaine man flying from his enemies that would haue slaine him, met with a Priest on horsebacke, whom he praied to sell or lend him his horse in that extremitie, the Priest flatly denied him: the other tooke the horse by force: and afterwards hauing escaped, he sent home the horse againe together with a good reward, neuertheless the Priest accused him of theft, and said:

THe chiefest point of iustice, by the which the Common-wealth ought to be maintained in peace, is that euerie one may quietlie possesse without anie let or disturbance, that which he hath iustlie gotten: As for me I will prooue verie well that I haue bought, and trulie paied for my horse, neuertheles it hath beene violently taken from vnder me, euē when I had most vrgent cause to vse him, for I was going to confesse and comfort a sicke person, who through the fault of him that tooke away my horse, is dead without confession: behold now by this meanes a soule in danger of eternall damnation, for it is the burthen of sins, that causeth soules to be lost: in like sort I was in dou-

ble daunger of my life; one way, if his enemies had knowne that he had preuailed by my horſe to eſcape from them; another, for the feare that he did put me in together with the force that he did vſe in taking away my horſe, as alſo becauſe I was compelled to goe well three long houres a foot before I could find any houſe, whereby I caught ſuch a quartine feuer as will eaſilie bring me to my graue, for as the quartine feuer purgeth and maketh yoong men to grow, ſo doth it kill ſuch old men as I am: but although all this were not likelie, yet ought iuſtice to be done, as an example for theeues, otherwiſe ſhall no man be able to trauell the countrie: if ſuch a one be pardoned as robbeth a Prieſt, why ſhall not he hope for the like that robbeth a Marchant? You will ſay I haue reſtored your horſe, and rewarded you with a gift as much as the horſe might bee woorth; the matter conſiſteth not therein, but in that you did take him from me againſt my wil, with violence, and threats; But in reſtoring of my horſe, haue you raiſed the dead to life againe to receiue confeſſion? And am I cured of my diſeaſe? Eſpecially if your enemies had ouertaken you, who ſhould haue reſtored me my horſe: Seeing I knew not who you were, but onelie hee which robbed me. I require and hope that ſuch iuſtice ſhall be extended towards mee as will make others by your example to reſpect thoſe, who are recommended vnto them from God and the church.

The Anſwere.

IF I had taken your horſe through malice, couetouſneſſe or other vild meaning, your reaſons were to be eſteemed, but I did pray you either to lend him, or ſell him vnto me to ſaue my life, yet you being more hard to bee entreated then the boiſterous wind or ra-

ging

ging waues, had no pittie of my distresse, whereupon your cruelty constrained me against my will, to commit that which in no sort I had determined to doe, but what is he that will not endeuour by all the meanes he can to escape death? Assure you that in such a daunger I had no leasure to consider the inconueniences that might happen, nor to thinke vpon either of our deaths that might haue chaunced by this deed; for I might haue died without confession as well as the other, and in a worser sort then by a quartine ague, whereof you feare to die. I confesse that I haue offended you, and am readie to make you such amends as shall bee thought meet, but I could doe no lesse, without losing my life at the same time. If one will do much to deferre his death a little while, why should it not bee lawfull for me to saue my life altogether? The which for a need, I would bestow for you. Finallie necessitie hath no law, and that cannot be tearmed a robberie which I haue done: for there is nothing so well done, if one will haue respect vnto the chances that may come thereof, but may be thought ill done: for humane actions are such, that in all things, there is more danger then assurance: therfore our actions are not to be iudged by the euent therof, but by the intent of them that do them: what would be said then, if being willing to draw you forth of a pit (wherein you might happen to fall) I should chance to breake your necke, Should I be guiltie thereof? How manie men are killed by the Phisitions, thinking to cure them? Are they punished therefore? No truly, because their meaning was not hurtful, no more also was mine, as I haue declared by my liberall restitution: but consider that necessitie maketh many things lawful, and that it is so, it is writtē that *Dauid* (being compelled through

hunger) entred into the temple, and he and his man did eat vp the shew bread; The which was lawfull for none but the Priests to eat: also manie times sacred and holie things are gaged, & sold through necessitie, how much more lawful then is it for a man to take a horse to saue his life, with a good intent to make satisfaction? although you are a sacred parson (sir) yet I hope you are too wise to beleeue that your horse is one, so also I wold not haue the Prouerb to be verified in you, which saith, that neuer Priest nor woman could either pardon an offence, or acknowledge anie seruice done vnto them: this were a vice farre vnfitting your profession: but finally seeing you will in no sort be satisfied with reason, you are as much bound to beleeue the iudges, as I am to endure that which it shal please them to adiudge me, and so shall I neither be bound to you in any thing, nor for anie thing, seeing you haue brought mee to the extremitie of the law.

Declamation. 15.

Of him that after he had bargained with a souldior to kill his enemy, did forthwith repent him of the fact.

A Certaine man bargained with a souldiour to kill his enemie, but afterwards repented him, and forbad him in any sort to touch him, to the end to hurt him: and this hee did in the presence of two witnesses: the souldiour notwithstanding went on forward and killed him, and afterward was taken and condemned to die, but the Atturney Generall accused the man

that

that had hired him of this capitall crime saying:

SHall it then be tollerated in a Commonwealth that anie man may hire one to murther another, at his owne pleasure? As if there were no iustice to determine their controuersies and quarels? If such faults may be excused, or wincked at, who shall be anie where in safetie? If it bee an offence but onlie to imagine such a wickednesse, how much more then is it to commit it? And so much the greater is this fact, as that he was not contented to offend himselfe alone, but that he hath likewise prouoked another to be partaker of his villanie, especially with the price of his monie, moreouer it is a capitall crime when one enemie killeth another, how much more hainous is it then, when one goeth about to cause him to be murthered by such a one, as not onlie wisheth him no hurt at all, but also by such a one as skantlie knoweth him? What infection? What plague? What abhomination can be more great in a Common-wealth then this? If whooredome be punishable, the which were it not for the reproch thereof, is rather an encreasing, then a losse vnto the Common-wealth; What punishment may be seuere inough for those as will infect the same with such murthers? If this crime be not sharplie punished, euerie one will boldlie enterprise vpon anie small occasion to cause his aduersarie to be slaine if he can, and if he cannot, he will say then that he is sorrie that euer hee thought to doe so bad a deed; as this man saith: One would not beleeue that such a wickednesse would bee inuented amongst men, or if a man did know it, hardlie should it be beleeued: but those which doe beleeue it, ought also to know, see, and beleeue the punishment due

due vnto the ſame, and the miſchiefe that for ſuch hainous crimes doth happen vnto thoſe that commit thē. This man ſaith, I did forbid him in the preſence of two witneſſes, commanding him not to kill mine enemie; as for me, I thinke but ſuſpitiouſlie of thoſe witneſſes, for if they had ben honeſt, and iuſt men, they would haue found the means to warned the other, wiſelie to beware of him that had alreadie conſpired his death, as alſo of him that was to take away his life: or els they ſhould haue aduertiſed the iuſtice, that there was a murtherer in the cittie, that for monie would vndertake to ſlay men, and by that meanes, there had not happened ſo great a wickedneſſe: and that which is worſt, it is verie likelie that after he had forbidden him, he did againe command him without anie other witnes, but the monie giuen to doe the deed: but were it not ſo, yet is it verie euident that you are the author of this miſchiefe: and the cauſe of the death of two men, therefore it is but right that you ſhould make the third, for he which maketh ſuch a bargain once, hath either done it before, or will doe the like another time, ſo that it is beſt to preuent the worſt by cutting you off betimes. You ſay that he ought not to haue killed him, ſeeing that you forbad him; but you ſhould not haue induced him to kill him, leaſt afterward you might not be able to reuoke his wil at your commandment, for all the while that he ſought for the means and oportunitie to doe the murther, an hatred againſt the ſame man did enter by little and little into his heart, which you did afterwards think by your forbidding, might be wholie rooted out at one inſtant: but the ſame is not eaſilie to be done, for men are naturallie more enclined to miſchiefe, then goodneſſe, ſo that they doe alwaies more hardlie forgoe it, and eſpe-

ciallie

ciallie ſuch as of long time hauing followed the wars, are vſed to kill men, ſo that they doe as it were thirſt after humane blood: wherefore you ought to haue beleeued that after you had perſuaded him to act the murther, it was not eaſie for you to diſſuade him from it, & ſo conſequentlie you ſhould not haue perſuaded him; much leſſe haue giuen, or promiſed him monie for the ſame intent: but you ſhould haue remembred that the pleaſure of reuenge laſteth but a litle while, and the ioie that commeth of mercie endureth for euer: Moreouer that for the moſt part in ſeeking to reuenge vs vpon another, we doe find our owne deſtruction, wherefore it is better, and the ſureſt waie to leaue the reuenge vnto God, who is iuſt, and knoweth the hearts of all men. But if deſire of reuenge, or to haue right of your enemie, had ſo greatlie vrged you, you ought to haue had your recourſe vnto the iuſtice, and ſo to haue had him chaſtiſed, without anie danger or diſhonour vnto you at all: or els if you would haue needes choſen a worſe courſe, you might haue determined to haue taken reuenge your ſelfe, without making another man a murtherer for you: and it may be, that euen then, when you had repented you of the fact, you had beene as litle able to haue withholden your ſelfe from doing that which you had determined. All theſe reaſons aboue ſaid, doe make your treſpaſſe the greater, and I ſee not anie of them that may make it ſeeme leſſer, ſo that it ſeemeth verie reaſonable, that the offender ſhould be puniſhed, to giue an example vnto all thoſe which haue the like wicked deſire.

The Anſwere.

TRulie I confeſſe that I haue greatlie ſinned againſt God: but as for the world, our thoughts and minds

are

are free, prouided that they ſtretch not to the affecting of miſchiefe; ſo that I am not by iuſtice reproouable, much leſſe puniſhable: for to ſin is incident vnto man, but to perſiſt in ſinne is diueliſh, the which I haue not done: But knowing that repentance commeth by diuine grace, I would not ſeeme to neglect it, but ſhewing that it had taken effect in me, I forbad the murtherer not to hurt mine enemie; if he for anie particular quarell hath ſlaine him againſt my will, what could I doe therewith? You ſay that I ought not to haue perſuaded nor bargained with him to doe it, it is true, but the Euangeliſt ſaith, are there not foure and twentie hours in the day, Wherein a man may fall by the temptation of the diuell, and riſe againe by the grace of God? euen ſo did I fall and riſe againe, as the like may chance vnto euerie man, ſeeing we are all conceiued in ſinne; and by that means (as your ſelfe affirmeth) more naturallie enclined to doe hurt then good: ſo that it is not a ſmall vertue, to repent before a man commit a miſchiefe. *Dauid* of whom God ſaid, that he was a man after his own heart, and that he ſhould wholie obey his will, what wickednesſe I pray you did he commit? And neuertheleſſe by repentance be obtained pardon and grace: we muſt not ſay that all thoſe who haue ben ſomwhat badlie minded, are wicked men; or that which is worſe, notorious offenders, as you ſay; for if it were ſo, the moſt part of men ſhould be ſuch, and it may be, you your ſelfe that accuſe me ſo ſharplie, ſhould not be free from crime. As touching your aſſertion, that I am guiltie of the death of twaine, and that I ought to be the third, I vtterlie denie that, for as much as the firſt mans death is rather happened through his own misbehauiour then my malice, for if he had not done me wrong and outrage,

rage, I ſhould neuer haue imagined to procure his death, and hauing not thought it, I had not ſpoken vnto the other, who knowing him not, would not (after my forbidding him) haue taken a new occaſion to kill him: but who knoweth whether he hath ſlaine him at the inſtance of ſome other, and will not confeſſe it? Knowing that if he did, yet he ſhould not eſcape vnpuniſhed. Finallie he trulie confeſſeth, that I forbad him to proceed anie further therein, and that afterwards I neuer ſpake to him thereof: how can I then be guiltie? Seing that I cannot be ſo, although I were the cauſe of the miſchief as you ſay: for as much as mine intention was not ſo, wherefore we muſt iudge, not according to the chance or ſucceſſe of actions, but according to the meaning of him that doth them: otherwiſe for the moſt part, when the ſicke doe die, the Phiſitions ſhould be blamed: or he who hauing an intent to kil a man, and ſhould lanch his impoſtume ought to be praiſed, the which cannot be, for when the intent is wicked, the fault is no leſſe ſo long as it laſteth; but the wicked intent ceaſing, the crime doth end together with it. Wherefore, if I did amiſſe, in perſuading this man to kil mine enemie, I did well in forbidding him to proceed no further in the ſame. Touching this point, that whereas neither the witneſſes, nor I haue aduertiſed the other; There are manie men ſo bad to be dealt withall, that one cannot aduertiſe them of anie thing, without daunger of great reproch; ſo alſo was it not reaſonable to accuſe one vnto the iuſtice which had not as yet offended, alſo they were no more then witneſſes, that I did forbid him to hurt mine enemie, but yet they knew not what had paſſed before betweene vs. Moreouer the remembrance of the ſhort pleaſure of reuenge, and the euerlaſting

con-

continuance of the ioy of mercie, had made me repent that euer I had a desire of reuenge, wherefore I did remit all vnto God, without seeking redresse either by iustice, or anie other way. If then this misfortune be fallen vpon him for his sinnes, or otherwise, I am not to bee blamed, and there is no reason which may make me an offender, seeing that al the foresaid reasons, mine innocencie, and good meaning is prooued, according vnto the which I require to be iudged by the equall doome of our iust iudges, who doe verie well know, that *Socrates* himselfe confessed that he was inclined to wickednesse, as well as to Philosophie, but that by vertue and the good spirit, he resisted the wicked desire, as I haue done thorow the grace of God.

Declamation. 16.

Of a woman that would forsake her husband, because he stood excommunicate.

A Certaine man was excommunicated and accursed for disobedience to the church: whervpon his wife would needs be diuorced from him, but he would not restore her mariage good, but alleaged these reasons:

HAue you not promised me before the Priest and the assemblie of our kindred and friends, to bee my spouse, and lawfull wife? And neuer to forsake me for anie chance whatsoeuer? Haue you not alwaies bene partaker of my prosperitie? Wherefore wil you then abandon me in my first aduersitie? As for me I will not let for anie thing that may happen, to esteeme you

you for a verie honest wife, but I know not what others will thinke of your deed: for as much as the custome of honest women is, neuer to forsake their husband in anie matter, nor for anie thing, but they doe still abide constant with them in loue and vnitie, and they do obserue the faith which they haue promised, when they were not onlie made companions, but euen the one halfe of their husbands: seeing that men cannot, and much lesse ought not to seperat those whom God hath coupled together by marriage, which is the most ancientest, most holiest, and most approued by God of all other whatsoeuer: for God himselfe did institute the same, not in the world, but in terrestriall Paradice, euen when man was yet in his innocencie, and afterward he honoured this holie estate with the first of his miracles that he wrought, at the mariage in Cana of Galiley, where he turned the water into wine: Moreouer you must consider, that God tooke from man the substance whereof woman mas made, to the end that she might thereby be bound not to forsake him; wherefore Saint *Paule* saith, that woman was created for man, and not that man was made for woman: in like sort the words of our God himselfe doth witnesse the same, when he saith, It is not good that man should be alone, let vs make him therefore an helpe; what libertie then hath the woman to forsake her husband? Although it was by the woman her prouocation that man sinned, and was iustlie cursed by the mouth and power of God, yet would he not for all that seperate them, but gaue them hope of saluation, if they remained together: For he saith, that like as by a woman sin came into the world, so also of a woman, should he be borne which should ouercome sinne and death. Saint *Paule* also biddeth the

beleeuing

beleeuing wife to abide with the vnbeleeuing husband; saying: Woman what dost thou know whether thou shalt saue thy husband or not? Wherefore then will you forsake me? Whether it be by right or wrong that I am sequestred from the church, yet am I not vterly excluded from the same: time may make it known whether I deserue to be excommunicated or not, and although I may haue deserued it, yet contrition, and Gods fauour cannot be denied vnto me: now is the time that you ought not to forsake me, (not so much as with your eie onlie if it were possible) were you but such a wife as you should be: Trulie a wife can giue no greater token of her chastitie, then by shewing a perfect friendship, and an inseperable loue vnto her husband: for they are shameless and immodest women, that doe change their loue, according to the fortune of him whom they faine to loue: how manie haue there been found euen amongst modest women, that haue with a maruailous constancie continuallie loued and followed their friends, as *Thisbe*, who followed her *Pyramus*, and would liue no longer after his death, *Briseis* followed *Achilles*; *Ariadne*, *Theseus*; *Medea*, *Iason*; and the concubine of *Alcibiades*, he being slaine betweene her arms when she could not better prouide for him, she wrapped him in one of her best garments to burie him: will you then bee much lesse constant, then vnchast? will you imitate and be accounted like vnto *Clitemnestra*, *Thebe*, *Helena*, and other bad women? Doe you not know that such as are good, are alwaies honourable euen after their death? As *Alceste*, who willinglie desired to die to saue her husband *Admetus* his life; the famous *Iphias* seeing her husbands bodie burned, would in no sort forsake him, but leaped into the same fire, and was

bur-

burned with him. *Hipsicratea* becausse she would not forsake old *Mithridates* her husband, did cut off her faire haire, and being armed, did alwaies serue him as his companion in the wars. *Cornelia* also neuer abandoned hir *Pompey*, but followed him into Ægypt where he was slaine. *Octauia* the sister of *Augustus* would haue followed her *Marc Anthonie* in all places, if he would haue suffered her: & although he loued *Cleopatra*, yet so long as she liued, she maintained him in peace with her brother. *Triaria* the wife of *Lucius Vitelius*, did also accompanie her husband in the warres, she being armed as he was. What shal we say of *Hersilia*, *Hipermineſtra*, *Laodemia*, *Oenone*, *Clita*, *Arganthona*, *Democrita*, *Gumilda*, *Caia*, *Valeria*, *Terentiana*, *Iulia*, *Arthemesia*, *Panthea*, *Sosia*, *Tarsa*, *Paulina* the wife of *Seneca*, *Portia*, *Turia*, *Sulpitia*, *Aegeria*, *Alcione*, *Procris*, *Camma*, *Sara*, *Michol*, & an infinit number of others, which are all famous for the great loue which they did beare vnto their husbands: wherefore doe you not couet to be of the number of these? Seeing that my disgrace offereth you the meanes to make proofe of your loue and faith towards me, lose not this occasion, bad for me, but good for you, your glory may be a comfort to mine affliction. I do not withhold your marriage good through couetousnesse, but to keepe you from doing that thing which may redound vnto your dishonour, and I would not in anie sort that it should be said that I was consenting vnto it, and I protest before God and men, that I doe it for no other cause at all: for I am not ignorant how much all women are importuned, especially such as are knowne not to abide with their husbands for any great loue; but as I haue said, I will neuer consent that it shall be reported that I haue ben the cause of your follie. Wherefore I re-

beleeuing wife to abide with the vnbeleeuing husband; saying: Woman what dost thou know whether thou shalt saue thy husband or not? Wherefore then will you forsake me? Whether it be by right or wrong that I am sequestred from the church, yet am I not vterly excluded from the same: time may make it known whether I deserue to be excommunicated or not, and although I may haue deserued it, yet contrition, and Gods fauour cannot be denied vnto me: now is the time that you ought not to forsake me, (not so much as with your eie onlie if it were possible) were you but such a wife as you should be: Trulie a wife can giue no greater token of her chastitie, then by shewing a perfect friendship, and an inseperable loue vnto her husband: for they are shameless and immodest women, that doe change their loue, according to the fortune of him whom they faine to loue: how manie haue there been found euen amongst modest women, that haue with a maruailous constancie continuallie loued and followed their friends, as *Thisbe*, who followed her *Pyramus*, and would liue no longer after his death, *Briseis* followed *Achilles*; *Ariadne*, *Theseus*; *Medea*, *Iason*; and the concubine of *Alcibiades*, he being slaine betweene her arms when she could not better prouide for him, she wrapped him in one of her best garments to burie him: will you then bee much lesse constant, then vnchast? will you imitate and be accounted like vnto *Clitemnestra*, *Thebe*, *Helena*, and other bad women? Doe you not know that such as are good, are alwaies honourable euen after their death? As *Alceste*, who willinglie desired to die to saue her husband *Admetus* his life; the famous *Iphias* seeing her husbands bodie burned, would in no sort forsake him, but leaped into the same fire, and was

bur-

burned with him. *Hipsicratea* becausse she would not forsake old *Mithridates* her husband, did cut off her faire haire, and being armed, did alwaies serue him as his companion in the wars. *Cornelia* also neuer abandoned hir *Pompey*, but followed him into Ægypt where he was slaine. *Octauia* the sister of *Augustus* would haue followed her *Marc Anthonie* in all places, if he would haue suffered her: & although he loued *Cleopatra*, yet so long as she liued, she maintained him in peace with her brother. *Triaria* the wife of *Lucius Vitelius*, did also accompanie her husband in the warres, she being armed as he was. What shal we say of *Hersilia*, *Hipermineſtra*, *Laodemia*, *Oenone*, *Clita*, *Arganthona*, *Democrita*, *Gumilda*, *Caia*, *Valeria*, *Terentiana*, *Iulia*, *Arthemesia*, *Panthea*, *Sosia*, *Tarsa*, *Paulina* the wife of *Seneca*, *Portia*, *Turia*, *Sulpitia*, *Aegeria*, *Alcione*, *Procris*, *Camma*, *Sara*, *Michol*, & an infinit number of others, which are all famous for the great loue which they did beare vnto their husbands: wherefore doe you not couet to be of the number of these? Seeing that my disgrace offereth you the meanes to make proofe of your loue and faith towards me, lose not this occasion, bad for me, but good for you, your glory may be a comfort to mine affliction. I do not withhold your marriage good through couetousnesse, but to keepe you from doing that thing which may redound vnto your dishonour, and I would not in anie sort that it should be said that I was consenting vnto it, and I protest before God and men, that I doe it for no other cause at all: for I am not ignorant how much all women are importuned, especially such as are knowne not to abide with their husbands for any great loue; but as I haue said; I will neuer consent that it shall be reported that I haue ben the cause of your follie. Wherefore I re-

beleeuing wife to abide with the vnbeleeuing husband; saying: Woman what dost thou know whether thou shalt saue thy husband or not? Wherefore then will you forsake me? Whether it be by right or wrong that I am sequestred from the church, yet am I not vtterly excluded from the same: time may make it known whether I deserue to be excommunicated or not, and although I may haue deserued it, yet contrition, and Gods fauour cannot be denied vnto me: now is the time that you ought not to forsake me, (not so much as with your eie onlie if it were possible) were you but such a wife as you should be: Trulie a wife can giue no greater token of her chastitie, then by shewing a perfect friendship, and an inseperable loue vnto her husband: for they are shameless and immodest women, that doe change their loue, according to the fortune of him whom they faine to loue: how manie haue there been found euen amongst modest women, that haue with a maruailous constancie continuallie loued and followed their friends, as *Thisbe*, who followed her *Pyramus*, and would liue no longer after his death, *Briseis* followed *Achilles*; *Ariadne*, *Theseus*; *Medea*, *Iason*; and the concubine of *Alcibiades*, he being slaine betweene her arms when she could not better prouide for him, she wrapped him in one of her best garments to burie him: will you then bee much lesse constant, then vnchast? will you imitate and be accounted like vnto *Clitemnestra*, *Thebe*, *Helena*, and other bad women? Doe you not know that such as are good, are alwaies honourable euen after their death? As *Alceste*, who willinglie desired to die to saue her husband *Admetus* his life; the famous *Iphias* seeing her husbands bodie burned, would in no sort forsake him, but leaped into the same fire, and was

bur-

burned with him. *Hipsicratea* becauſe ſhe would not forſake old *Mithridates* her husband, did cut off her faire haire, and being armed, did alwaies ſerue him as his companion in the wars. *Cornelia* alſo neuer abandoned hir *Pompey*, but followed him into Ægypt where he was ſlaine. *Octauia* the ſiſter of *Auguſtus* would haue followed her *Marc Anthonie* in all places, if he would haue ſuffered her: & although he loued *Cleopatra*, yet ſo long as ſhe liued, ſhe maintained him in peace with her brother. *Triaria* the wife of *Lucius Vitelius*, did alſo accompanie her husband in the warres, ſhe being armed as he was. What ſhal we ſay of *Herſilia*, *Hipermineſtra*, *Laodemia*, *Oenone*, *Clita*, *Arganthona*, *Democrita*, *Gumilda*, *Caia*, *Valeria*, *Terentiana*, *Iulia*, *Arthemeſia*, *Panthea*, *Soſia*, *Tarſa*, *Paulina* the wife of *Seneca*, *Portia*, *Turia*, *Sulpitia*, *Aegeria*, *Alcione*, *Procris*, *Camma*, *Sara*, *Michol*, & an infinit number of others, which are all famous for the great loue which they did beare vnto their husbands: wherefore doe you not couet to be of the number of theſe? Seeing that my diſgrace offereth you the meanes to make proofe of your loue and faith towards me, loſe not this occaſion, bad for me, but good for you, your glory may be a comfort to mine affliction. I do not withhold your marriage good through couetouſneſſe, but to keepe you from doing that thing which may redound vnto your diſhonour, and I would not in anie ſort that it ſhould be ſaid that I was conſenting vnto it, and I proteſt before God and men, that I doe it for no other cauſe at all: for I am not ignorant how much all women are importuned, eſpecially ſuch as are knowne not to abide with their husbands for any great loue; but as I haue ſaid; I will neuer conſent that it ſhall be reported that I haue ben the cauſe of your follie. Wherefore I re-

mit all vnto the iudges, without anie further speaking of the matter, being to stand to their censure whether I am to restore your marriage good or not: the which shall be a smal losse vnto me, if I may be so good cheape rid from her who loueth me not at all.

The Answere.

I Should think my selfe happie in hazarding but only my goods, and life to remaine with you: but when the question concerneth the soule, we ought to consider, that we haue nothing more precious, seeing that the same is none of ours: but God hath made it immortall to gouerne this bodie, the which ought to be wholy obedient vnto the soule, that we might afterwards by the onely helpe and grace of God, restore the same vnto him vnspotted, if it were possible, the which I cannot doe if I remaine with you: for all those that doe but onely speake vnto such as you, are guiltie, except they doe only speake to conuert you, the which hitherto I could in no sort doe: but how should I doe it? When neither the exhortations of the church, nor yet your excommunication both together, were able to turne you? That which Saint *Paule* saith, that the beleeuing woman ought to remaine with the vnbeleeuing man, is nothing pertinent to this matter, for more faultie is the Christian which sinneth maliciously of set purpose, then is he which sinneth of ignorance, being yet vncalled of God. I doe well remember what I haue promised you at our marriage, and I will performe it, so that it be not to the condemning of my soule and that it is so, I haue alwaies shown; that dutie which an honest wife oweth vnto her husband, and am

yet readie to continue the same if you doe returne a-gaine vnto the bosome of the church, and then you shall truly know that I will not forsake you for any occasion: I am not also ignorant what the worthinesse of mariage is, and I would not haue you thinke that men doe seperate me from you, but God himselfe, for as much as he is head of the church: I doe confesse that the woman was made for man, but for al that it followeth not that she ought to damne her selfe for him. As touching the hope which you doe shew you haue to returne vnto the church, it were better that it were too soone then too late, for then should I haue no occasion to depart from you, and I doe promise to turne vnto you when you shall be absolued. There is no loue wanting in me, but there lacketh goodnesse in you, because you remaine obstinat. I cannot be tearmed in the number of those that haue left their husbands without cause, but my greatest griefe is because I haue too iust a cause, and I beleeue that *Alceste*, *Iphias*, and the other ladies which were truly vertuous, would haue done as I doe in the like case as mine, had they liued in these our daies: for euen as it was an honor and vertue in them, to doe that which they did for their husbands, so likewise should it be but a shame and a sinne in me not to forsake you. The same which you say proucketh you, not to restore me my marriage good, inducetth me not to leaue you, so that I may abide with you without offence and discredite, as I would not also that any one should think that I were consenting or partaker of your obstinacie, no more then you would be thought to bee consenting vnto my seperating, and vnder this false colour, you would keepe backe my marriage good. I doe aduertise you that I will rather forgoe it if it be not ad-

iudged vnto me, then I will remaine with you in ſuch an eſtate; and you muſt not ſay, that you detaine that which is mine, to keepe me from committing follie: for were I ſuch a one as you doe eſteeme me to be, this would be the readie waie to make me fall: for neceſſitie maketh a woman more fraile, & leſſe worthie of blame: but God forbid that I do you that diſcredit which you deſerue, eſpeciallie for the part which I might haue therein, which would be the loſſe of my ſoule, but for the loſſe of my goods, I referre that vnto the equitie of the iudges.

Declamation. 17.

Of him who thinking to ſtrike his enemie, killed another man paſſing by.

A Certain man is purſued by ſome men that would haue offered him outrage, hee ſtaied againſt a wall and defended himſelfe by throwing of ſtones, which he did caſt ſo long, that after many throwes, he ſlue with the blow of a ſtone a man which by chance paſſed by the way, and knew not hing of their quarrell, whereupon all the reſt fled away, and he which threw the ſtone is accuſed by his wife that was ſlaine, who ſaid:

I Did aſſuredlie hope that my husband hauing euer liued peaceablie without offending anie man, ſhould haue yeelded vp his ſoule vnto God, after he had receiued the holie ſacramēts and the rights of the church, like a good Chriſtian as he was, as alſo being accompanied with his freinds and nee-

neereſt kinſfolke he ſhould haue declared his laſt Will by his Teſtament, and if my miſfortune had beene ſo great to ſuruiue him, I hoped to haue receiued his laſt gaſpe in my boſome, and to haue cloſed vp his eies for euer, giuing him his lateſt kiſſe: or otherwiſe, had he ſuruiued me, I looked for the like comfort by him at my death: which in the end are the laſt and moſt precious pleaſures, and louing fruits of the holie band of marriage, of the which both he and I are deceiued by this man that hath vnhappilie ſlaine him. Alaſſe, what hath it profited him (I ſay my poore husband) to haue taken ſuch paines to intertaine euerie man into his loue and friendſhip; Seeing that hee is ſooner dead then thoſe that haue procured them manie enemies? What commoditie hath it brought him, to haue ben euer vertuous; Seeing that a wicked man hath ſlain him, being neuer wronged by him? I will not here ſuppoſe the manie reaſons that one might coniecture, that is to ſay, that this quarrell might be of ſet purpoſe to hurt my husband, neither yet will I ſay that he might haue receiued monie to throw that ſtone: I paſſe ouer with ſilence, how manie ſuch wickednesſes are committed, but I do onlie ſay, that my husband is dead, and that he which ſlue him liueth, alleaging for his onlie excuſe, that he thought not to kill him, but that he threw at others: he ſhould not haue throwne at anie man, and by that meanes neither he nor I ſhould haue beene in trouble. It may be verie well ſaid that he liueth badlie that getteth him ſo manie enemies, and he dooth worſe, which in deſiring to hurt them, or defend himſelfe, killeth him that neuer harmed any man. As for me, I require iuſtice, he hath ſlaine my husband, I deſire that he may die, to ſerue for an example vnto the like inſolent men, that do

alwaies procure them enemies, and do make quarels in publicke places, to the greater daunger of honeſt people then their owne. But I would to God that I had ben dead before now, at the leaſt with my husband, ſeeing that life is more bitter vnto mee then death: and my greateſt griefe is, becauſe I am not onlie harmed by this Homicide, but as manie of the noble kindred which he and I haue, are greatlie interreſſed in it, manie of the friends whom he fauoured are damnified: the poore hath loſt much thereby, for he was a good almes giuer; Laſtlie, the Commonwealth is weakened, loſing ſuch a Citizen who liued ſo well, that he had manie friends, and not one onlie enemie, that did pleaſure manie, and neuer diſpleaſed anie. Conſider then you righteous iudges, what puniſhment is to be done vpon him, who depriuing vs of ſo manie benefits, hath been the cauſe of ſo great miſchiefe.

The Anſwere.

IF mens actions ought to be iudged, not according to the euent of the ſame, but according to the intent of him that dooth it, I cannot in anie ſort bee blamed, for I did neuer know this man whether he were honeſt, or diſhoneſt, wherefore ſeeing I neither loued him, much leſſe hated him, I had no deſire to doe him either good or hurt. But ſince by miſfortune it is ſo fallen out, that being conſtrained to defend my ſelfe from thoſe who ſought to kill me, he hath had a blow both againſt my will, & vnwitting, mine enemies are more to be blamed then I, for they are the cauſe thereof: Wherefore ought I then to beare the puniſhment thereof? The ſorrow that I haue had becauſe this fault is happened by my hand, is ſufficient inough, although it was done againſt my meaning, without that I ſhould be further

trou-

troubled for the same: and were it not that my wife, and my children, (whose liuings I doe get) could not liue without me, I had rather die then liue, hauing ben so disgraced by you, to haue depriued you of your future hopes and your present happinesse; but if it be a cruelтie to cause the innocent wife and children of a guiltie man to suffer, what is it then to take away the life from the wife and innocent children of such a man that is no waies faultie? For it is sufficientlie manifest, that this woman which accuseth me of crime, not knowing me no more then I doe her, is carried away with her passion: seeing that also she doth altogether condemn my fact without hauing anie respect vnto the innocencie of mine intent: I will not say for my defence, that her husband hath rather ben the cause of his death then I, seeing that he would needs passe by such a place where manie men were fighting; for not onlie they which are wise and well aduised do shun the like meetings, but also fooles, children, and the verie brute beasts doe flie from them: as touching the criminall coniectures, that it was a thing done of set purpose; the sharpe pursute of mine enemies, doe sufficientlie excuse me, and if there be anie other proofe, more sufficient then hers of such a fact, trulie I will condemne my selfe as worthie of death, but being otherwise, I cannot be so: where she saith, that I ought not to throw stones at anie man, I answere that he which would iudge of that, it were fit that he did proove the like daunger as mine was: to affirme also that to haue manie enemies is a signe of a wicked man, is a verie absurd iudgement, for it is often seene that the good are hated as well as the bad, and that which is worst, It is of the wicked, that the good are hated; so that they are in far greater dan-

ger, and verie often constrained to defend themselues: euen so it fell out with me. But who was, or euer shall be milder then *Socrates*? And who had more wicked enemies then he? who neuer ceassed to slander him, euen to the procuring of his death as an offender. What shall we say of *Phocion*, and of *Aristides*, likewise of *Solon* and *Licurgus*, and of the great *Scipio Africanus*? I passe ouer with silence, our Sauiour Christ and other Saints, least I should prophane their holie names, in placing them amongst other men. I am not he alone then that hath enemies, neither ought this mishap impaire my reputation, or make my cause the worse in anie sort. Finallie, there is no fault so little that cannot be greatlie aggrauated, if anie man will seeke for circumstances as this woman doth, who would prooue the Commonwealth and so manie persons interessed, that it seemeth by her speech that her husband was immortall: but I demand if he should haue died of an appoplexie, or some other sudden death, whether should not the losse haue ben all one? But it is the manner of women to make the wrongs which they receiue, seem great, esteeming those which they commit, verie little: wherefore it were superfluous to answere her tedious accusations, which is the cause, that referring my selfe as well vnto the mercie as to the equitie of the iudges, I will attend their iust sentence.

Declamation. 18.

Of Sergius, *who fought against his enemies, without aduertising his fellow* Virginius *thereof, and therefore is not aided by him.*

Sergius

SErgius *and* Virginius, *both equall in authoritie, were captaines in the Romane army, before the cittie of the Veies.* Sergius *was encamped on that side where the Tuscanes might come to releiue the besieged cittie, and* Virginius *on the other. Now it happened that* Sergius *was assailed of the Tuscanes, and fought with them, without requiring aid of* Verginius, *so that part of the campe was thereby discomfited: he being returned to Rome, accused* Virginius *for not aiding him, and said thus:*

WHat profiteth wisdome, courage, and dexteritie in a commander, when enuie alone is farre more able to hinder him, then all these vertues together are able to further the aduancement of his seruice, that desireth to profit the Commonwealth? Euen so is it happened vnto me, for although *Virginius* and I did both together imploy all our best means to besiege and take the citie of Veies for the honor and profit of the Senat and people of Rome, yet were we neuer able to doe anie seruice of worth, but on the contrarie we receiued dishonor and hurt by the onlie enuie and ambition of *Virginius*. Neuertheless what haue not I done to allure him vnto kindnesse? and to persuade him to be carefull of the safetie and honor of the Commonwealth? I haue alwaies giuen him the chiefest honour, and held him not as my companion, but as the only Generall commander of the enterprise; yea and leauing vnto him the place of most aduantage, I did encampe my selfe both where the greatest danger, and most concourse of the enemies was; thinking by that meanes not only to induce him, but also to bind him more straightlie, (not vnto my aid) but vnto the com-

common good of the whole armie, and his owne honor, yet what haue I gained with all this dutie, and true humilitie? nothing at al, but only thereby increaſed his malice, pride, and ambition. I therefore conſidering with my ſelfe how hardlie two Generals in one armie doe performe anie enterpriſe fortunatlie, and how on the contrarie, by the diuerſitie of their opinions & wits they doe oftentimes not onlie procure one anothers miſcheife, but alſo ſometimes, put the Commonwealth in great danger (as *Terentia Varo* did at Cannas, when he gaue battaile againſt the opinion of his Collegue) did rather deſire yet further to abaſe my authoritie in reſpect of his, honouring him as my ſuperiour, in all lawfull things; but all was vaine, for as much as thoſe actions which doe ſerue to gaine the loue of ſuch as are modeſt, doe increaſe the pride and inſolencie of thoſe that are prowd, for they doe attribute that vnto cowardlines, which is done by modeſtie and wiſdome: which men *Virginius* deſired to follow, for he (ſeeing that I to gaine his fauour, did oppoſe my ſelfe vnto the greateſt daunger for his ſecuritie and defence) did preſume that I did not this noble act to induce him vnto the like aiding of me, but that I did owe him this honour; wherevpon he did not only forget that I was his companion, but alſo he would not performe the dutie of a good Generall: for how can he be a good Generall that ſeeth anie of the inferiour captaines in daunger to be ouerthrowne, and will not ſend him aid? *Paulus Emilius* ceaſſed not to fight, but did willingly die in the battaile, although that *Varo* began the ſame againſt his aduice, the which I haue not done: for it is well known that I would not fight againſt your will, ſeeing that I encamped in that place to no other end, but onlie to

make

make head against the Tuscanes, if they came to molest the campe, to raise the siege, or to hinder our enterprise: yet neuertheless you had rather suffer the Commonwealth to be hindered, then to affoord me your aid in so great an extremitie, especially seeing that by that meanes we might happily haue ended our enterprise: for in succouring me, the Tuscanes had ben discomfited, and no doubt the besieged could not haue chosen, but of necessitie must haue yeelded: but you rather desired my losse and dishonour, then to haue your owne profit and honour ioined together with mine, which had been but a small matter, if all the Romanes had not ben therewithall greatly hindered. The gods forbid that I should say, that you had intelligence with the enemies, but I am very sorrie that you giue occasion vnto many to suspect the same, others to presume as much, and some constantly to beleeue it: for you being verie well knowne to bee both valiant and noble, it may be supposed, that without some particular respect you would not haue suffered, not only the Commonwealth and your Collegue to be endangered, but also you could hardlie haue indured the sight of the enemie, without an extreame desire to fight with him. Trulie *Marcellus* made manie Sallies and Skirmishes against the mind of that great *Fabius*, but for all that, he neuer left to aid him when need was; so that by the wisedome of *Fabius*, together with his zeale vnto the Commonwealth, they were named, he the buckler, and *Marcellus* the sword of the Romans; whereby it is apparently seene how happie and fruitfull the vnitie and agreement with Collegues is, wherevnto I haue with all my power alwaies exhorted you, yet was I neuer able to obtaine this good at your hands, either for my selfe, or

for

for the benefit and honour of the Common-wealth; for in vaine are good offices made, when there is not a correſpondencie in thoſe that execute them. If two Generals of equall authoritie be made ouer an Armie, with intent that if one happen to be ſicke, the other ſhould performe the dutie of both; if one be abroad, the other ſhould remaine in the campe; If one forget anie thing, the other ſhould remember it; If one foreſee not the danger or aduantage of a ſeruice, the other ſhould aduiſe him; If one doe commit a fault, the other ſhould bethinke him how to remedie it, yea were it with the price of his life: It is in you graue Senators, to conſider, what he ought to be eſteemed who dooth cleane contrarie to his dutie, hauing the heart not onlie to behold his enemies without fighting with them, being more then needfull, but further to ſee the blood of his brethren & fellow Citizens to be ſhed, & not once make a ſhew at the leaſt to haue a deſire to helpe him: I ſay a ſhew, becauſe that only ſight had both ſufficed to haue incouraged our people, and had beene inough to haue driuen our enemies to flight.

The Anſwere.

IT is no new thing to ſee, that they which are in fault, will by their accuſation preuent thoſe that might accuſe them: euen ſo doth *Sergius*, who ſeeing the iuſt occaſion that I haue to accuſe him, to be the only cauſe of the loſſe of our people, and the meanes whereby we obtained not the victorie both of the beſieged cittie, and alſo of the Tuſcanes, would by his preuention lay the fault on me; which would be a good inuention for him if he had not to deale with ſuch iudges as are no

leſſe

lesse wise then iust: for in his first assertion, the boasting of his wisdome, dexteritie, and courage, doth very wel shew his ambition, and how farre he is from that modestie which he ought to haue vsed towards mee, the which also I haue neuer desired, for I am not ignorant that he which hath a companion, hath a maister: wherfore I suffered him to chuse according to his desire the honorablest place, for he cannot denie that danger and honor doe follow one another, when wisdome and modestie doe second them; the which wanting in *Sergius*, the place that was both dangerous and honourable, hath ben the cause of his shame, and the Commonwealths harm. Truly that place was not chosen of him, to no other end but arrogantly to vsurpe vnto himselfe the honor of the whole enterprise: the which is euidently to be knowne, because that euen when he was in most danger, he neuer once vouchsafed to send vnto me for aid. It is not he alone whose ouergreat weening of himselfe hath wrought his shame and losse: for the like happened vnto *Terentius Varo*, of whom himselfe hath spoken; likewise the Commonwealth of Sparta receiued her last ouerthrow, in trusting too much in the valour of her owne Citizens, and dispising the aid of her neighbours. This my aduersarie accuseth me to be enuious, I would willinglie know, wherevpon I should beare him anie malice, seeing that (without saying his superior) I was neuer his inferiour in anie thing whatsoeuer. Touching ambition, he sufficiently declareth that it remaineth in him, when he saith, that he is not ignorant, how hardly two Generals doe anie good together, and he hath further manifested the same, when he had rather lose alone, then to indure a companion in his victorie: wherein he hath also openly shewed

his

his pride, which he would attribute vnto me: but it is the common custome of the wicked to slander others with those vices which they know to be in themselues, and they imagine that of necessitie others are more addicted vnto them: Whereupon they doe falsely affirm, that they haue borne that respect vnto others, which they themselues doe maliciously look for. As touching that which *Paulus Emilius* did, he performed his dutie in fighting with *Varo*, being thereunto required, as I would haue done the like with you, if you had willed me, or at the least if I had knowne that the enemies were come: the which you might haue aduertised me of by one only man or twain, without weakening your campe; but I not knowing thereof, how could I helpe you? But onely suspitious of your meaning; I will not say that I was in doubt that you had some intelligence with the enemies, seeing that I cannot thinke so vild a part or so great a Treason could euer enter in the heart of a Roman: but I may well say that I had great reason to suspect, least those of the cittie perceiuing me goe vnto your aid, might haue sallied foorth, and charging vs behind, haue discomfited our whole armie, seeing that I knew your ouerthrow euen as soone as I knew that the enemies were come; and there was neuer any man of sound iudgement that would lose the whole, when he might saue the halfe, the which was so well considered of our Senat, that after the ouerthrow of Cannas, *Varo* was more praised for returning home, though flying, then was *Paulus Emilius* for dying in the place: moreouer it is a doubt whether he did well to fight against his mind with *Varo*, seeing that it had ben better for him & for the Commonwealth to haue ben lesse forward, or at the least more slow, for by that means al had not ben

lost,

loſt, and it ſeemeth indeed that he condemned himſelf to haue erred greatly, when he would rather die, then accept the horſe which *Lentulus* did offer vnto him to ſaue himſelfe: for it is a great raſhneſſe, to bring men vnto the battaile without ſome great likelihood of victory, the which I could not hope for, not knowing that you ſhould fight ſo long vntill you were quite ouerthrowne, and then was it too late to ſend you my forces, alreadie amazed with a noueltie being as ſuddain as it was vnfortunat and vnlooked for: for who would euer thinke that you would haue ben ſo prowd, or raſh as to begin the battaile without aduertiſing vs? Vs I ſay that ſhould at the leaſt haue ben companions of your danger, I will not ſay of your glorie, ſeeing the greatneſſe of your courage could not indure it. Furthermore as I am not ignorant why two Generals in an armie are choſen, ſo do I in like ſort know very well (to our great diſaduantage) that you had a deſire to vſurpe vnto your ſelfe alone the whole authoritie: finally there is too much ſaid in a matter ſo euident, wherfore I ſubmit my ſelfe vnto the iudgement of the Senat, whether I was bound, or whether I ſhould haue done well to hazard the reſt of the armie, to remedie a miſchiefe, whereof I had no intelligence vntill it was quite remedileſſe.

Declamation. 19.

Of one that being condemned, appealed to a higher place, and refuſeth his firſt Iudge, being preſident thereof.

A Certaine inferiour iudge of a Prouince, condemned a man to death, who appealed from him to the court of Parlement: neuertheleſſe, he deferred his comming thether ſo long as he could, ſometimes by fayning to bee ſicke, and by ſuch other meanes; which ſucceeded ſo badly for him, that the ſaid iudge came to be Preſident at the Parlament whereunto the ſaid offender had appealed: Whervpon being brought thether, he refuſed to be iudged by that new Preſident, ſaying:

YOu would then that I ſhould appeale from *Pilate* to *Pilate*, I will keepe me from that, if iuſtice haue anie place; for it cannot be tearmed an appeale, to haue the ſame iudge from whom one appealeth: Who knoweth not that he is the ſame man, who to encreaſe his dignitie, will nothing at all ſurceaſſe his iniuſtice, but rather with his dignitie and authoritie will alſo increaſe an ill opinion towards me, becauſe I haue appealed from his iniuſtice? for if he did me wrong when I might appeale from him, what will he now doe, if he may abſolutely iudge me without contradiction? As for me, I doe firmely beleeue, that with mine enemies coyne he hath bought this authoritie, to the end that I might haue no other meanes to eſcape his vniuſt ſentence: I will not ſay that ſuch places of authoritie ought not to be ſold, but I dare trulie auouch that there ought great heed to be taken vpon whom they are beſtowed, and ſo much the rather, becauſe being to continue in the ſame during their life, they are the leſſe ſubiect to correction, and paying money therefore, more ſubiect to corruption. O happie is the countrie where the King maketh his abode, as at Paris and the places thereabout, for there thoſe which deſerue authoritie

obtaine

obtaine them: for by the proofe of their capacitie, fidelitie, and good seruices done vnto the Kings Maiestie, and to the Commonwealth, they are prouided of such estates as they deserue, or rather those places of authoritie are prouided for such men as know how to exercise them as they ought: but here where we are farre from that princely light, all is subiect to corruption, and they doe not beare office, which doe best deserue it, but they which haue the most friends, and the greatest purse: so this my partiall iudge hath in one day obtained without any desert at all the dignitie of a President by his monie. To auoid this corruption, in Italie, Spain, Almaine, Flanders and other Prouinces, the iudges are only but for a yeare: but after that the tearme is ended, they are subiect to the like officers, or vnto the Censure of other iudges: such also was the custome of the Romans, that so long time did flourish, and yet should haue flourished, if *Marius* and *Silla*, and afterwards *Cæsar* and *Pompey*, had not (with other good customes) caused this likewise to bee neglected: for the Romane Empire, which so many yeares before was famous, did wholy decline, when offices were more easily obtained by the wealthie then the vertuous; but so long as the rich men did suffer themselues to be gouerned and iudged by the poore *Fabricias*, and such others, no kingdome was more happie and prosperous then the Romans Commonwealth. The Venetians haue flourished almost a thousand and two hundred yeares, by the like meanes, in making more estimation of such Senators as were vertuous, then of those that were rich, who if they haue not vertue ioined with their riches, do there neuer obtaine anie dignitie: which is the cause that amongst them iustice is tightly administred, and that the

condemned doe neuer hope for anie redemption, or fauour by appeales: but becauſe we are farre from the preſence of the King, from his Counſell, and from the moſt-worthie chiefe Court, we in this our Prouince do ſee the iudges ſo corrupt, or ſometimes ſo ignorant, that of an hundred appealants two doe not returne rightly iudged. It were reaſon therfore that this our iudge were allowed ſome certaine time, to learne of the Lords which haue of long time ben of this Parlement, before he haue this authority to adiudge thoſe appealants which haue appealed from himſelfe: truly I ſhould thē be content to ſay that I haue appealed from him being vniuſt, vnto himſelfe being become iuſt; but what aſſurance haue I now thereof? Seeing that in authoritie (which is indeed the touchſtone to trie men withal) the moſt part of them doe wax worſe, and euen as the waight of gold diminiſheth, being oftentimes rubbed vpon the touchſtone, ſo doth the conſciences of ſuch as are but ſlenderly indued with vertue decay, by often changing of their dignities: for if men did know, or at the leaſt would not diſſemble, how hard a thing it is, to vſe the office of ā iudge; there would be ſo few that would couet to buy that place, as hardly ſhould there bee any found that would bee deſirous to take ſuch authoritie vpon them: Neuertheleſſe, this being not my iudge, but mine aduerſarie, not content to haue adiudged me once, would condemne me againe. King *Lewis* the twelfth, when one counſailed him to be reuenged on thoſe, which in times paſt had offended him, anſwered that it was not the part of the king of France, to reuenge the wrongs which were done vnto the Duke of Orleans; which ſurely were both the words of a noble and mild prince: but I find not any of theſe two

parts

parts in this new preſident: but rather on the contrary, it ſeemeth that he hath made himſelfe preſident, to cauſe thoſe to die whom he hath wronged, being but an inferiour iudge, of whom I am one, and he which is vnto him moſt odious. The old prouerb ſaith, That the ignorance of the iudge is oftentimes the cauſe of the calamititie of them that are accuſed: O happy world wherein this Prouerbe was inuented! if then the iudges did only offend through ignorance, although the ſame be a fault great inough, what ſhall we alaſſe ſay then in theſe daies? Wherein malice exceedeth ignorance, and that for the moſt part they harbor both together? Or that which is worſt of al (if it may be lawfull to ſpeak the truth) that as the number of the skilfull encreaſeth, ſo the number of the good decreaſeth, and when that happeneth, there can no good bee hoped for in the Common-wealth: for there is nothing more dangerous in the world, then to haue ſuch a man in authoritie, that is wiſe and wicked both together: becauſe that for euery purpoſe, they haue examples very readie to prooue, and perſuade their wicked intentions to be lawfull, like vnto this man, who by his monie is made preſident: Wherefore I doe rather ſubmit my ſelfe vnto anie other iudge, then vnto him whom I doe vtterly refuſe.

The Anſwere.

IT is a common thing that ſuch as are offenders doe hate and ſlander their iudges, and the more iuſt they are, the ſooner doe they falſly accuſe them of iniuſtice: wherein they themſelues doe make their crime more apparent: for they would haue the iudges ſuch as they are, that they might pittie thoſe that are like vn-

to themselues: or at the least that they might be such as would be corrupted, the which they cannot hope for in those that are iust, wherefore they are driuen into despaire, knowing that no punishment can hurt the desperate man, as also that there shall not so much be inflicted vpon them, as they doe deserue, and so they vomit out their poison against the righteous iudge: the which they doe the more boldlie, because they know wel that for all their speech he wil be neuer a whit the more cruel vnto them, but without any stearnnesse or malice wil iudge them according to the laws, executing them rather with mercie, then rigor; neither shall the wicked be able to mooue his patience, for he which perceiueth himselfe to be blamed truly is angrie, and thinketh to be reuenged: but on the contrarie, he that knoweth his conscience cleare, maketh no account of slanderous speeches: or if he chance at the first brunt to be angrie, he doth presently bridle the same his anger by reason, rather desiring to remaine such as he is, then by rage or passion to become such a one as in truth he ought not to be. I am the same man which he affirmeth me to be; so also is he nothing amended since I condemned him. I did neuer beare him anie ill will, neither did he euer giue me occasion so to doe: but truly I haue condemned him, but with lesse rigor then his deserts required, or the lawes commanded: but why should not I bee odious vnto him whom I haue condemned to die? Seeing that the Phisitions and Chirurgions, who doe employ themselues to saue mens liues, are oftentimes heartily lothed of them, when either they touch their sores, or will not suffer them to follow their noisome appetites, but do rather appoint them to take good and and wholsome things: the child and the seruant, yea

and the wife, doe for the moſt part hate the father, the maſter, and the husband which chaſtiſe & rebuke them; how much more then doth the offender hate the iudge which condemneth him? Seeing he wrongfully deemeth him to be the cauſe of the ſhame and puniſhment which he receiueth, although himſelfe be the occaſion both of the one and the other euill. Whereas he ſaith, that I haue bought my office to hurt him: there be ſome other proofes then his tongue to verifie the contrarie; It is likewiſe apparently ſeene, how he ſlandereth the moſt part of iudges. It is a goodly matter indeed for an offender to cenſure the deeds of iudges, and to diſcourſe of equitie and iuſtice, as alſo to diſpute whether offices may be ſold, and whether officers ought to be yeerely choſen or not; you are brought hether to be iudged, and you will iudge the iudges: all this ſerueth you to no end, bethinke you if you can, how you may cleare your ſelfe, and afterwards you may accuſe vs before thoſe that haue power to redreſſe it, and then there will be greater credit giuen to your ſpeech: but now you being condemned as an offender, no man that knoweth what iuſtice is, will beleeue but that you ſpeak of others, as you your ſelfe would doe, if you had their authoritie: for the maner of thoſe that haue their conſciences ſeared, is ſuch, that they are perſuaded that the moſt part of men are like vnto themſelues, wherefore let vs come vnto the point concerning you and me: ſay only, haue I proceeded againſt you otherwiſe then by an ordinarie and vſuall cuſtome; Haue I not giuen ear aswell vnto your excuſes, or iuſtifications, as vnto your accuſers? Haue I poſted ouer or raſhlie hudled vp your proceſſe? Are not you your ſelfe the occaſion of your bringing hether ſo late? If amongſt ſo many I haue

ben thought worthie of this eſtate, ſhould I haue forſaken it for you? Or was it I alone, that did iudge your proceſſe? The counſellors were not they there, as they are here in like ſort? Was it I that either did condemne you, or that muſt againe condemne you? Are they not your owne deeds? Bethinke you then to alleage other reaſons to more purpoſe for your iuſtification; or to ſubmit you vnto the diſcretion of the iudges: praieng vnto God to giue you the grace, patientlie to abide the ſentence which they ſhall pronounce vpon you, referring all vnto the will of God, who by that meanes wil beſtow that vpon you which ſhall be more profitable for you: for he exalteth thoſe that doe heartily praie vnto him. And laſtlie determine (if the worſt do happen) ſith you could not tell how to liue well, to learn to die well, giuing thanks vnto God for taking you out of this miſerable world, before you haue further offended his diuine Maieſtie: by that meanes your puniſhment, together with his mercie, ſhall be a full ſatisfaction for all your ſinnes.

Declamation. 20.

Of the ſouldiors that would needs giue ouer the wars after the death of their Generall.

THe ancient militarie law is ſuch, that euerie ſouldior maketh his oath particularly to follow his Enſigne, the Enſigne taketh his oath to obey his captaine, the captains their Colonels, then all of them generally doe ſwear the ſame oath to the Generall of the armie, (repreſenting the perſon

person of the Prince) to serue him truly and faithfully. Whereupon the Generall, or Lieutenant Generall chanceth to die in a difficult and dangerous enterprise, and by his death the souldiors hold an opinion that they are acquited of their oath, and that they may giue ouer the enterprise. And thus one amongst them pleadeth for all the rest:

THe oath of the souldior lasteth so long as he that receiueth it, or he to whom it is made liueth, as we haue done vnto our General, who being dead, we are no longer bound. We haue sworne to serue the Prince vnder his conduct: following him in all, and by all things, into all places, and against all men, without anie exception at all: the which we haue done euen vntill his death, without anie refusall, or contradiction, wherefore hauing performed our dutie, we are no longer bound: for we cannot follow him any further, except we should die as he hath done, which would be a thing as hurtfull vnto the Prince, to the Commonwealth, and to vs, as it would be profitable vnto our enemies, and ill willers, vnto whom we ought to doe no pleasure nor profit at all. And neuer thinke that we are to be retained in seruice still, saying that the Prince will send another Generall, or that his Lieutenant that is dead, representeth his person by order of prescription, vntill the Prince haue confirmed him for Generall: or that he hath sent another: for such a reason is nothing worth, because there are many that suffered themselues to bee enrolled vnder the deceassed Generall, which would neither march nor be enrolled vnder him whom the Prince may send vs, for such was the trust that wee did repose in his valor and wisdome, that nothing seemed impossible vnto vs, so long as we folowed his cō-

mand, wherefore (conſidering that the Prince may wel beſtow the dignitie and eſtate, but that the diſcretion, wiſdome, and valor of the man, commeth from aboue) we are diſcouraged to ſerue any longer, without knowing vnder whom: True it is that there is none ſo good but there may be found another as good: but it is verie certaine alſo, that an opinion is halfe an effect, and that for the moſt part, it ordereth matters as it liſteth, without anie other reſpect, and eſpecially when it is ioined with ſome proofe, or admirable experience, as was that of our late noble Generall; which hath ſo manie times ben redoubled, who by his example did not onelie increaſe the courages of thoſe that were valiant, but alſo made the verie cowards bold and ſtout: ſo that it may verie well be ſaid, that he hath carried our hearts with him, or rather that he hath beſtowed part of his greatneſſe vpon vs al. Finally, the ſouldior that marcheth vnder ſuch a Generall whom he liketh not, differeth nothing from a ſlaue, who is bound to ſerue his maiſter whether he be good or bad, which is the cauſe that ſildome they do anie thing that is good. Wherefore is an oath made? But onely that the performance thereof may follow. Why are not we as free from our oath by his deceaſe, as we were bound by the ſame while he liued? How manie did march vnder *Scipio*, that would not follow *Lelius*? Although they were both of one, and the ſame countrie, one as noble as another, and ſo great friends, as the one might well be ſaid to bee the other: Neuertheleſſe, for the moſt part both of the Romane ſouldiours, and ſtrangers, had rather haue died with the one, then liued with the other. By what means did *Epaminundas* and *Pelopides* reforme the military diſcipline of the Thebans? But onely by the good opinion

nion which the men of warre had of them. We do not say, that we would whollie refuse to serue, and beare armes for our Prince; but we would faine know vnder whom we should march: moreouer, we would that it might be lawfull for those that will serue no longer to depart: and that those which would follow the future commander, might be bound by a new oath.

The Answere.

WHat noueltie is this? How dare you only think a treason so great? Not onelie against your Prince and countrie: but against your selues, and the profession of armes? Saieng that you are acquited of your oath, by the death of your Generall: Who is then your Generall? Is not the prince? Is he dead? Or doth he euer die, but strait another succeedeth him? It is not you that were sworne vnto the Generall that dead is, but I, that was his Lieutenant, who alwaies in his absence represented his person: If I had then this authoritie whilest he liued, what a least were it that I should lose it after his death? For when he was absent, your oath bound you to me. Wherefore hath the Generall a Lieutenant? But onlie becaule (himself being subiect to wounds, sickneſſe, and lastly to death) that he should maintaine and keepe the souldiors in obedience? You cannot denie, but that so long as he liued, it was I to whom you were to yeeld an account of your actions, but not for you to doubt of my authoritie: for proofe whereof, durst you refuse to follow me in anie place where I would lead you? Or to denie to doe whatsoeuer I would command you? Durst you once haue demanded whether that which I wold haue

you

you doe, was the pleasure of the Generall? Would I not haue punished him with death, that should haue disobeied me? Or had I not the power by martiall law of my selfe to put anie disobedient souldiour to death? The Colonell, hath not he the like authoritie ouer the captaines? And the captains ouer the others that commaund vnder them, euen vnto the corporall, who hath the same power ouer the priuat souldiour? What doe you meane then to doubt of the authoritie of your Generall? Consider souldiors how you haue sworne to serue your prince, and follow your Ensigne; which is meant so farre as you may bee allowed by the prince: what will you then say? Seeing your Ensignes are yet displaied, and your captaines willing to serue? Do you not know that you are entred in their muster-role, and that you must march vnder them: They vnder the Campmaisters, the Campmaisters vnder the Colonels, the Colonels vnder the Generall or his Lieutenant, and the Generall vnder the prince if he be there, if he be not, then he representeth his person: where is then your vnderstanding? Who hath bewitched or seduced you, that you wil thus peruert order and military discipline? Is not this fellow a trim Orator, being no lesse ignorant then ill aduised; who thinking that he is the ablest and wisest man amongst the rest, heapeth vpon himselfe alone, all the dishonor and punishment of this fault? he I saie that was worthie to die before hee was borne, rather then he should haue attempted to corrupt so manie worthie and valiant men. The noble Romans did sundrie times commit the like faults, especiallie vnder that great *Scipio* in Spaine, who also caused onelie *Albius Galenus, Atrius Umbrius*, and others the inuenters of the mutenie to be punished as capital offenders:

and

and I doe assure you that in their deed, they offended not so much as you, for they had beene vnpaied of a long time, and it was certainlie thought, that *Scipio* their Generall was dead, which was the cause that made the souldiors not onelie to mutenie, but also manie citties and Prouinces to reuolt, before they did mutenie. Wherevpon *Titus Liuius* saith, That when the authors of the deed were punished in the middest of their fellows, there was not heard so much as one onlie grone, seeing them beaten starke naked with hollie wands, euen vntill they were readie to giue vp the ghost, and afterwards their heads to be striken off being halfe dead. Those men did mutenie because they did see that the Prouinces did rebell, but you, hauing passed the worst of a dangerous enterprise, being vpon the point of a victorie, the which your Generall (whom you so greatlie bemone) hath prepared for you with the price of his life, would now giue it ouer. Is it possible that the reuerence which you owe vnto his memorie, and the shame of your selues should not be able to withhold you? the greatest loue that can be shewed vnto anie man that is deceassed, is to immitate his deeds, and to obserue his precepts: and you will whollie estrange your selues from them, which doth plainlie declare, that being vnworthie of such a Generall, God hath taken him awaie from you: or rather, he verie well knowing your vnworthines was not desirous to liue anie longer. I know not what els to say or thinke: what should be become of your ancient valor, and martiall reputation, which was woont to haue more need of a bridle to hold you backe, then spurs to prick you forward. I am ashamed of your shame, if it be true that you haue charged this lost man to make this discourse? But I cannot beleeue it:

for

for the inſolencie is too great, ſo that it cannot proceed from anie other but from himſelf, and ſo conſequentlie none ought to beare the ſhame, and puniſhment thereof but he: Neuertheleſſe, for the good opinion which I haue of you, I doe put his life and death into your hands: hauing ſo great confidence in your nobilitie, that you will not indure a man ſo pernicious, to remain anie longer amongſt you, but if you ſhall ſuffer him, it will be your owne hurt more then ours, beſides the ſhame and reproch which will continue for euer, yea, and that after death: for there is no doubt but that the Hiſtoriographers doe as well record the faults of ſouldiors, as their valiant acts, which afterwards is oftentimes the cauſe, that their poſteritie doe fare the worſe for it. Laſtlie, I haue told ſome part of the reaſons whie you cannot, much leſſe ought not, to demaund that which this wicked man hath proponed, without the conſent of anie of you, except it be of ſome ſuch as are like vnto himſelfe, which maie well be termed the ſcum of the armie, for in ſuch aſſemblies there are ſome bad, like as there is no corne without darnell, no wine without lees, nor anie fire without ſmoake: or els if your vngraciouſneſſe be ſuch (as I can hardlie beleeue it is) that manie are of that mind, but rather that it is the leſſer number, and conſequentlie the worſer ſort of all the armie: I am of opinion, that ſuch kind of people are not fit to be kept; for ſuch a riddance of them, will be profitable vnto the whole armie, becauſe a few well diſciplined, are more worth then a great number of thoſe that are confuſed, diſobedient, and without order. Let them come forth then which would be diſcharged, whileſt the captains are here with their muſter roles, to the end that at the ſame time alſo they maie be commended &

rewarded, which shall remaine constant in performing their duties: and by the same meanes also to determine vpon that which wee are to write vnto the Prince and countrie of those, who so cowardly doe forsake their leaders and companions.

You must note, that when the Generals doe make these orations, there is none so hardie that dare bee the first, which will say he would bee discharged: for they feare least some of them may bee alreadie corrupted or wonne by the captaines. And by this meanes doe they punish the authors of the mutenie, and vse some liberality towards the souldiors.

Declamation. 21.

Of Gamaliel, *who hauing slain two of his brethren, because one of them had rauished his wife, is accused by the others.*

SAdoc *and* Gamaliel (*amongst diuerse others, were two brethren, the one excelling in learning, the other in armes:* Sadoc *by Astrologie foretold vnto his brother, that if he maried without the consent of al his brethrē, that there should thereby happen a great mischiefe and dishonor vnto al their linage.* Gamaliel *neglecting this aduice, did marie in a strange country, which done shortly after he brought his wife (who was exceeding faire) home into his owne countrie, and obtaining of his brethren his part of the patrimonie left by his father, builded there vpon peaceably. He being one day fallen sicke,* Sadoc *visited him so long, that*

he

he fell in loue with his faire ſiſter in law, and found ſuch means as he inioyed her companie in a manner by force; ſhe declared the deed vnto her husband, he both ſlew his brother Sadoc, *& alſo another of his brethren, who came to defend him: Wher-vpon the other brethren and kinsmen being moued therewith-all, did accuſe him to the iuſtice by theſe words:*

THey truelie are in a miſerable caſe, who haue no freindes that may giue them inſtruction & good counſell in there youth, becauſe that youth with-out the aduiſe of ſuch as are graue and wiſe, are like a fierce horſe without a bridle, who ouerthrow both himſelf and his rider: but far more vnhappie, and wor-thie of all miſhap is he, that diſpiſeth good counſell; and aboue all other they are moſt vnfortunat, who through ſuch contempt (without being thēſelues in anie fault) are partakers of ſuch miſcheife as therby doth happen, as wee O righteous Iudges are, who not onlie for ſuch an error haue loſt two of the beſt of our brethren, but alſo are conſtrained through iuſt diſdaine to demand the death of the third, as vnworthie both to be accoun-ted anie of our number, and alſo ſuch a one as deſerueth to liue no longer in the world, hauing cōmitted ſo exe-crable a ſin as to murther his own brethren: not that the fault inciteth vs to hate him, but becauſe the ſorow for thoſe whom he hath ſlaine, prouoketh vs to require iuſtice: as well to bridle by this example other ſuch like inſolent perſons, as alſo that the reſt of our parentage may be rid from the fear of this murtherous man, ſpot-ted with the blood of his brethren. For it commonlie falleth out, that ſuch blood thirſtie men as he is, cannot refraine from ſhedding humane blood: as it appeareth by *Abimilech* the Hebrue, who ſlue ſeuentie of his bre-

thren,

thren; and by *Absalon*, who hauing caused his brother *Amon* to be slaine, would haue done the like vnto his father: what shall I say of *Ioab*, and others of the Iews? These are the vertues which a man learneth in following the warres, who being vsed to murther, finding no enemies killeth his friends, and afterwards his kindred and brethren as this hath done: so did *Romulus* cause his brother to be slaine, and *Alexander* killed his foster brother *Clitus*, & others his good friends and seruants. Also *Epaminundas* the Thebane, *Manlius Torquatus*, and *Aulus Posthumius Tubero*, being Romans, slew their sons (more worthy to liue then they) vnder the coulor of obseruing militarie discipline. The like did *Brutus* being in exile, and *Cassius* the Ensigne of *Crassus*, saieng that their sonnes conspired against them: the like did *Artaxerxes Mnenon* King of Persia. Likewise the great *Constantine* caused his sonne and his brother in law to die, without shewing a reason wherefore: The King of Iotara slew all his sonnes except one, because he should be his onely heire: *Authi Cælio Mithridates*, a noble warrior, slew his mother, brother, and many of his children: *Herod* put three of his children to death: Finally, this desire of murthering proceedeth from the vse thereof, by the which *Etheocles*, *Polinices*, *Tideus*, *Polites*, *Antiochus*, *Aristobulus*, and an infinite number of others, who after they had ben famous warriors, became worse then hangmen: but who will spare him, that for so smal a hire, or for a vaineglory to be accounted warlike, hazardeth, or rather selleth his owne life? Yea, and for the most part his soule, which life he ought not to bestow but only for the safegard and defence of his countrie and familie: how can they deserue to inioy life, or to be accounted off amongst men, who liue to no other

end

end but to murther them: and which doe not only delight in making of widdows, and orphants, but alſo would willingly make their own wiues and children in the like caſe, (though with the price of their liues) for the great pleaſure they haue, to be accounted cruell: ſuch a one this our brother (but vnworthie that name) is and euer hath beene: whereby we doe plainely perceiue, that like as vertues are linked together, ſo doe vices follow one another: for from his youth he hath deſpiſed the good counſell both of all his kindred, and alſo of his brother whom he hath afterwards ſlaine, thorow the report of a woman: and what woman? Forſooth a ſtranger: who being enamoured of a ſtranger, and marrying with him, cared not to forſake her countrie and kindred to follow him hether, where (it may be) perceiuing that ſhe was not ſufficiently made of to her owne liking, and eſpecially of him who foreſaw the miſchiefe that ſhould happen by her, did accuſe him vnto her husband, knowing him to be as fooliſh, and light of beliefe, as prone vnto anger and murther. How manie are there that doe themſelues prouoke men vnto adultrie; But, when they ſee that they are refuſed by them, they doe afterwards complaine that they would haue forced them? The wife of *Putiphar*, of *Theſeus*, and of others, doe verie well witneſſe the ſame: what aſſurance haue we of the chaſtitie or goodneſſe of this woman, that ſhe hath not done the like? Hardly may a woman be forced which maketh anie reſiſtance; and if at the leaſt ſhe want ſtrength to defend her ſelfe, ſhe cannot lacke a tongue nor a ſhrill voice to crie out, being a thing ſo incident vnto their ſex: but although ſhe had ben forced indeed, was not the law ſufficient to haue puniſhed the ſame? Should not we then haue ben

as

as readie as we are now, to accuse the offender? But forasmuch as truth ingendreth hatred, he hauing found an occasion (as he thought) to offer violence vnto his brother, was in sooth very loth to lose the same: consider then, O you iudges, if such faults be not rigorously punished, that womē being naturally giuen to reuenge, and men ouer easie to beleeue them, will commit a thousand mischiefes. Lastly, it cannot be denied, but that it is as great an iniustice to pardon an offender, as to condemne an innocent, & that euen as iustice without mercie is crueltie, so also is clemencie without Iustice iniquitie: wherefore we are certaine that you will iudge rightly, as the law commandeth, and conscience and honor doth bind you.

The Answere of Gamaliel.

IN effect these my brethren (if such they may be tearmed, purchasing my death) doe verie well shew that another mans misfortune is light vnto them which feele it not, and euerie one preacheth patience and temperance in other mens matters, as these doe, who would persuade me that this execrable offence should not once haue proucked me to reuenge; the which it hath not done, but rather vnto a iust punishment of the malefactor: for that is called reuenge, which is done wittingly, but that is punishment which is inforced through a most iust cause of disdaine or anger. Some may say that euery punishment ought to be done with a setled mind, without choler, for feare of being ouer rigorous, I do confesse it ought: but who can also denie that the first motions of anger are not in our owne power? Wherefore I would, and

it were also reasonable, that these my ouer sharpe accusers had a true feeling of the wrong done vnto me, and then they would iudge more modestly of their brother, who hath done that which they ought to desire, that is; rooted out from amongst them a superstitious Diuine, not only hurtfull to his friends, but vnto all the Commonwealth: Is it not too apparent that such people are puffed vp with ambition, that they had rather see the death of a million of men, then to suffer that by any it should be knowne, that they haue failed one iot in their fond diuinations? As he of *Milan* did, who hauing foretold that at a certaine time he should perish by yron, (not finding any man that would kill him, although he gaue them diuers occasions) slew himselfe to verifie his prophesie: so this my dead brother, hauing foretold that by this my marriage a great mischance should happen vnto all our race, had rather be the cause thereof himselfe, (not seeing any likelihood therein) then to be esteemed vnskilfull in his art, which is especially forbidden both by diuine and humane laws. And then you say that you haue lost the best of your brethren, me thinks that if he were the best, then the rest should be nothing worth at all; and you ought not to say that a iust cause of disdaine constraineth you to require the death of the third, but rather an iniust hatred; for were it not so, from whence could such an inuectiue proceed, to animate the iudges against me? Had it not ben sufficient for you only to haue said, this man here hath slain our two brethren for this and this cause, wherevpon we demand iustice? You say that you are partakers of the misfortunes of my marriage, why doe you not rather say of the insolencie, wickednesse, and adulterie of *Sadoc*? As also that I am vnworthie to be reckoned

koned amongst your brethren; truely hee neuer deserued to be accounted. If offenders ought to be punished for an example, I haue not done so bad as you say, in punishing him suddainely: For who was a more notorious offender then he? You say that those which follow armes doe all become wicked men: *Abraham*, *Moises*, *Iosua*, and a number of others because they were valiant in armes, were they the lesse righteous? Moreouer the multitude of those which you alleage that haue slain their kindred, maketh more for my commendation, then my condemnation: for you shall find that the most part of them had lesse cause to doe the same then I. Furthermore I cannot beleeue, that either monie, or desire of vainglory draweth men vnto the wars, but rather a desire to maintaine lawfull and iust quarrels, although euery Generall affirmeth it to be his owne. Finally, the wars hath ben in all ages: Saint *Iohn* baptised the souldiors without forbidding them to vse the same art: yea God hath many times commanded his people to vse it: so that it may be iustly proued that wars is rather an occasion of vertue then vice. Concerning the report of my wife, this is not the first time that women haue ben beleeued in the like case; wherefore seeing neither you nor I haue or can find any reproch in mine that may blemish her honor, she is as well to be beleeued as others; and if as you say a woman cannot be forced, then haue diuers heretofore ben wrongfully condemned for the like offence. Truly the law had ben sufficient to haue punished *Sadoc*, but if I had had such patience as was requisite, what assurance should I haue had that hee would either haue come before the iustices, or els if he had chanced into their hands, that you would not all haue taken his part, as you are now

against me? And as you say, it is iniustice to pardon an offender, so is it iustice to punish a wicked man, as I haue done: wherefore I haue not offended, but only in that being iustly stirred vp to anger, I haue defrauded the iudges of their authoritie, of whom humbly beseeching pardon for this fault, I do wholly submit my selfe vnto their mercie, beseeching them also to defend me from your malice.

Declamation. 22.

Of him who after he had had his pleasure of a maid, would haue forsaken her, to haue married her sister.

A Yong Gentleman hauing had a quarrell a long time with a neighbour of his, made an agreement with him, vpon a condition that the said neighbour should giue him leaue to chuse one of his three daughters in marriage, and allow him the tearme of one yeare to make his choice: so that vnder this cotlor, being familiar with them all, he got the eldest of them with child, afterwards he would haue chosen the second, whereunto the neighbour opposed himselfe, saying:

THou vngracious man, how darest thou imagin such a wickednesse? Or once behold me in the face, hauing ben so treacherous and mischieuous to abuse that familiaritie, which was granted vnto thee in signe of reconciliation, vnder the which thou hast more harmed me in protesting thy selfe to be my friend, then all thy weake forces had ben able

able to hurt me if thon hadſt continued my mortall enemie. O God is it poſſible that men may be ſo wicked, That what they cannot doe by force, they accompliſh vnder the cloake of an honeſt friendſhip? but why ſay I freindſhip, When that is the greateſt benefit that God hath giuen for the vſe of man, without the which, this life ſhould be full of bitterneſſe and ſorrow? But let vs come vnto the matter: did not you make your choiſe, when you had carnall copulation with my daughter? Is not that the conſummation of marriage? Truly yes, they were all three promiſed vnto you, but in lying with this you haue had your choiſe, and it is not verie likely that ſhe would otherwiſe haue conſented therevnto; but you breaking promiſe with her, would by that means be reuenged of me for all former enemities: but if it be ſo, that an ancient hatred preuaileth more with you then a new friendſhip? I doe beſeech you moſt worthie iudges, that he may be puniſhed, which hath ſuborned, ſeduced, and abuſed hir that is his wiues ſiſter, for by our agreement, he is bound to take one of the three: moreouer let him be puniſhed, which hath ſo greeuouſly offended his father in law, his mother in law, and his ſiſters in law, and finally (contemning laws and all honeſtie) hath ſlandered the Commonwealth.

The Anſwere.

I Haue not yet choſen at all, but in trying which of your daughters ſhould deſerue to be my wife, it fell out, that this prooued with child, I knew not by whom; which was ſufficient to haue made me ſtand in doubt of all the reſt: Neuertheleſſe, becauſe I would not ſeeme to breake our league, I

ſuddainly made choice of the ſecond, for feareleaſt as much might happen vnto her, ſeeing you haue ſo badly kept the firſt: but why doe I ſpeake of keeping, ſeeing the female ſex are ſo hardly to be kept. If you will not giue me your daughter, let vs remaine friends, without being kinsmen? For a true friendſhip is more woorth, then a kindred, which is made by force or compulſion: wherefore I would not in anie ſort violate the vſe thereof as you accuſe me, but would rather be partaker of your daughters ſhame in marrying with her ſiſter, then to be once ſuſpected to be the breaker of our friendſhip. I cannot hinder your daughter to ſay what ſhe thinks good, both to excuſe her ſhame, and to be made a wife, but for all that I am not bound to beleeue her againſt my conſcience, nor to make amends for another mans fault to my loſſe and diſhonor. You doe ſeeme in your whole accuſation againſt me, not to be well aduiſed, and I doe verily beleeue, that choler (which is an enemy to good counſell) is that which chiefly troubleth you; whereby you ſpeake verie vnfitly to the purpoſe, for although it were ſo, that I had gotten your daughter with child (the which I denie, and ſhe can neuer proue) doe you thinke that I would buy of her by marriage, that which ſhe hath alreadie giuen me, becauſe ſhee would haue her ſhare of the pleaſure? Or do you thinke me ſo mad, that I would wed her, whom I ſhould euermore ſuſpect to play the wanton? For ſildome or neuer doth a woman abandon her honour vnto one man alone, and ſhe that cannot keepe it befor ſhe hath taſted the ſweetneſſe of the ſport, will neuer keepe it after ſhe hath ben pampered therein. But where doe you find, that the dalliance of louers, is the contracting of mariage? If it were ſo, then muſt ſome men needs marrie

more

more then fiftie women, ſo readie are they to yeeld, yea and ſometimes to require the ſame. Laſtlie, I denie, that mine intention was euer to offend you; and ſufficient proofe thereof, is the deſire that I haue to ſatiſfie you, not refuſing her for my ſiſter, which hath ſo much forgotten her ſelfe, as not only to loſe her honeſt reputation, but alſo wrongfullie to accuſe me: and becauſe I will not be ouer tedious, I put it vnto your diſcretion, either to let me chuſe or to chuſe your ſelfe, whether you will haue me to be your ſon in law or no, bethinke you well then of the matter, for I will not make the firſt motion therein.

Declamation. 23.

Of the part of a houſe which was to be pulled down, for the offence of one that dwelled therein, wherevpon another dwelling in the ſame houſe, was oppoſite.

TWo men were owners together of one houſe, one of them dwelled in the lower part, and the other in the higher part thereof: he which dwelt beneath committed an offence, for the which the law commanded that his dwelling ſhould bee pulled down: but he which dwelled aboue, withſtood it, ſaying:

TRue it is that this houſe is ours in common, and for his part he dwelt in the lower part thereof, but what haue I to doe with his fault, that for the ſame my dwelling ought to be harmed, ſeeing that I haue not offended the law in anie ſort? What is he

that doth not very well vnderstand, that in pulling downe the nether part of an house, the vpper part thereof falleth of it selfe, as being without foundation, or an vnprofitable mansion? I will not disobey the law, the which although it be to be obserued, yet is it not for all that to be vsed with the extreamest rigor, for the text of the most part of the law is briefe, but it may be well enlarged by the gloses, and those which tend more vnto pitie then rigor, ought to be allowed, and especiallie in fauour of them which are not faultie; in hurting of whom it is meere iniustice; which is a thing more iniurious, then not to punish the offender at all: for if it be lawfull to preferre mercie before iustice, how much more then ought we to vse clemencie rather then crueltie; As this would bee, to take away the dwelling place from a poore innocent familie such as mine is? It must be considered that this law was made for strong houses, wherein the malefactors might make resistance, but throwing downe such an house as is onely fit for dwelling, you not onlie wrong me & mine, but also the neighbors of the whole street, yea and the whole cittie besides, in leauing a void place in a chief street, amongst so manie houses, the which will serue but for a lurking place for theeues, and other wicked people that walke by night: wherefore if the extreamest rigour must bee showne, that a part of the house must be pulled downe, let it be the vppermost part, and leaue the lower roome for a recompence vnto me; although it be somewhat to my preiudice, to change the wholsomest part for that which is cold and moist: moreouer to speake the truth, it cannot be well said, which part was iustly his, seeing the house fel in partition, or in common vnto vs both alike. It is true also that the same part which you will pull

downe,

downe,ſell vnto him by lot, and ſo did mine likewiſe vnto me,ſeeing then that the offender cannot be harmed, except he that is innocent be hurt, it were better either to ſpare the one for the others ſake,rather then to hurt him that neuer offended; or at the leaſt to doe as I haue ſaid, and make a change, that the faultleſſe be not altogether vndone.

The Attorney Generall contradicteth him,thus.

IT ſeemeth in a manner that your ſpeech hath ſome likelihood of reaſon, but being thorowly well conſidered,it hath none at all: for it is neceſſarie, that iuſtice(which is a benefit for the Commonwealth)ſhold take place, all particular profit or dommage ſet apart,for euen as you ſay, that this houſe fell vnto you both by lot, ſo the ſame lot willed that his part ſhould bee the lower roome,and not the vpper: the law commandeth not his part alone,but that his dwelling place ſhould be raced downe, the which ought to take place, yea although his dwelling had ben hired,to warne thoſe that bee landlords not to let their houſes but vnto thoſe that they know to be honeſt men: & it was not in vain, when a Citizen of Rome cauſing the ſale of his houſe to be cried thorow the cittie, he made it to bee publiſhed, that amongſt other good properties which was belonging vnto it, there was good neighbors round about it;which doth manifeſtly prooue, that a man may often receiue hurt by his neighbors, how much more then by him that dwelleth in the ſame houſe with him. In thinking to ſaue part of your abilitie,you would blemiſh your whole honor,for in pulling downe your habitation,and letting the offenders ſtand whole, it will

be

be thought that you haue committed the crime, & that he is innocent, becauſe the ſame is done as much for a perpetuall memorie and reproch of the offence, as for an example to others: and the law was ordained for the ſtrong houſes no more then it was for thoſe that were weake, whoſe loſſe will be a leſſe hurt vnto the Commonwealth. Moreouer, where the greater number is, there do ſuch faults happen the oftener, as alſo becauſe the common people are leſſe afraid then the Noble, to be conuinced of crime; for as much as the fall of the great, cannot chuſe but be great, and therefore the more to be feared, and eſpecially when it concerneth the loſſe of honor, which is ſo hardlie to be gotten, but being once loſt, ſildome or neuer may it be recouered. The augmenting of the gloſes of the law cannot redound vnto the preiudice of iuſtice, which is to correct or puniſh the wicked without anie reſpect at all: if you haue nothing to doe with the fault of the offender, no more alſo hath iuſtice to doe with the loſſe which you ſuſtaine for dwelling ſo neere vnto him, and you muſt not ſay that this void place ſhall ſerue for a lurking hole for theeues and ſuch wicked people as walke by night, for ſo long as iuſtice ſhal be trulie adminiſtred, the number of ſuch kind of people will be but ſmall. But why doe you not as well ſay that this place will ſerue for a terror vnto thoſe which would commit the like offences, ſeeing the token that iuſtice hath here left for the ſame: and this muſt be eſpecially remembred, that there is no other bridle to reſtraine the wicked, then the inuiolable execution of the laws, yea, it is the chiefeſt work of mercie to puniſh the wicked with rigor, becauſe that by the puniſhment of one, an hundred are terrified: wherefore we muſt not for ſome little particular loſſe,

neg-

neglect the common good,and the rather, becauſe that for your loſſe you may ſeeke your remedy vpon the reſt of his goods: but ſhould it be otherwiſe,yet ought you to preferre iuſtice, which is immortall (as being the daughter of God) before a little temporall goods.

Declamation.24.

Of him who hauing lien with his bondwoman, would neither manumiſe her, nor conſent that her ſonne ſhould be ſold.

THe law in times paſt was ſuch, that if any man did lie with his bondwoman, he was inioined to manumiſe or make her free. Whereupon it happened that a certaine man begot his bondwoman with child, he being called before the Iuſtice, did ſweare that hee did not lie with her; ſhe being in trauell with her child, ſwore he did: the iudge the better to ſift out the truth and to be aſſured whether the child were his, commanded that he ſhould be ſold for a ſlaue, (the man lying in priſon for debt) vnto the which he would in no ſort agree. Whereupon the iudge preſumed that he was the father of the child, and cõdemned him to manumiſe the mother. The man appealeth ſaying:

IT is manifeſtly to be ſeene,that the iudge is more caried away with paſſion,then guided by iuſtice,for firſt he would haue me to make my bondwoman free, and yet ſhe neuer requeſted me to doe it, and next he hath conſtrained me to ſweare, thereby to exempt me

from

from doing it, but not content therewith, hauing bethought himselfe vpon the speech of her being in trauaile of childbirth (and it may be, incited by himselfe) would that there should be more credit giuen vnto the oath of a bondwoman, then vnto his, that is a Citizen free born, and owner of the bondwoman: who doubteth that she (seeing her selfe fauoured of the iudge) will not take an occasion to sweare an vntroth, to gaine her freedome? But must he beleeue her for all that? When a slaue is taken for an offence, if he saith his maister is partaker with him therin, is he to be beleeued? Do we not know that euery slaue hateth his maister? But the passion of the iudge is verie manifest in this, that amongst al the moueable goods which I haue, he would needs cause this poore child to be sold, who as yet cannot speake: I gainsaying so great a crueltie, he would inferre that I declare by the same that he is my sonne; the which is not true: but I am not so hard hearted, neither do I hate the sillie creature (born within my house) so extreamely, as I can without compassion see him seperated from his mother so yoong, which is almost enough to kill him; but what a iudge are you, That in steed of exercising mercie, wil hinder others from vsing it? Whereby a man may easily know how vnwoorthie you are to execute the office of a iudge, seeing that iustice and pittie ought to be ioined together as the body and soul, which being seperated one from another, the bodie dieth: euen so without mercie, iustice dieth: and as the dead bodie by corruption is turned vnto earth, so is iustice without mercie changed into crueltie. How long did the cittie of Rome flourish, being grounded vpon pittie? When in her beginning she receiued al nations, which had elswhere no place of aboad? And yet

you

you would condemne me, becauſe I imbrace pittie in my heart, which will neuer enter into yours; otherwiſe you would comfort me being ſo miſerable a priſoner as I am: but to encreaſe the affliction of the afflicted, you would not onlie cauſe that to be ſold which he loueth, but alſo would haue him manumiſe his onlie bondwoman, from whom he might reape ſome profit by her ſeruice. Yet if at the leaſt you had willed the mother and the child to be ſold both together, your crueltie then ſhould not ſeeme ſo manifeſt; but like vnto *Herod*, you haue a deſire onlie to hurt the innocent and the priſoner: notwithſtanding, I haue ſo great confidence in the equity of thoſe who are more righteous thē you, that (they hauing iuſt pittie of the afflicted, and innocent) will condemne your crueltie.

The Anſwere.

WEre you ſo honeſt a man as you ſhould bee, you might both be free from this puniſhmēt, and I eaſed of that trauel which you haue put me vnto: but how would you be eſteemed iuſt and pitifull, ſeeing that you your ſelfe doe giue men occaſion not to thinke you ſo? ſhewing your ſelfe to be either more ſlanderous then anie other, or els trulie verie miſerable? Doe you not know that it is the greateſt vertue that can be in the world, for a man to bridle his tongue, and that it oftentimes hurteth his own maiſter more then doth his enemies ſword? Wherefore I ſtand in doubt whether your malice or ignorance is greater, but the one being neuer without the other, I will onely ſay that you ſhew them both at once, attributing that in me to paſſion, which can be no leſſe thē prudence:

dence: truly hee were vnworthie to bee a iudge, that knew not how to discouer the malice of offenders, for as much is that iudge to be esteemed which is without wisdome, as a Commonwealth without laws, a Prince without faith, a phisition without experience, a souldior without valor, and a Marchant without credit; who being such, they doe not fall themselues alone, but they are the cause of the ouerthrow of a great number. But tell vs what was the cause that *Salomon* iudged so rightlie, but onlie wisedome? Euen so I without the same should neuer haue knowne your iniquitie, and so consequentlie I should neuer haue found out a iust cause to condemne you: for it is verie manifest, that couetousnesse neuer iudgeth anie thing to be vnlawfull, because it hath no place but amongst such as are wicked, which is it that caused you to thinke it lawfull to commit whoredome with your bondwoman, then to denie the fact, and to forsweare your selfe, because you would not make her free, desiring rather to preiudice the law, then to hinder your profit; and afterwards being cast in prison for yout faults, you would yet further defraud your creditors, in not consenting to the sale of him, who (if he be not your sonne) standeth you in no stead, but to burthen you with a further charge: and especiallie hindering his mother, he is the cause that she cannot applie her businesse to get your liuing and her owne, so that they doe both helpe to consume and wast that little which remaineth to paie the creditors, or that which you haue hidden to deceiue them. If he be not your sonne, whie would you keepe him? To serue for a witnesse of your seruants shame? Doe you not know that he which cleaueth vnto vices, maketh them his owne? It is no charitie to keepe a child to be your slaue, and

lesse

leſſe charitie is it, not to conſent to haue him ſold to paie your debts. Touching your demand, why I doe not ſell your other goods? I anſwere, there is time enough, but I would firſt begin with that which was leaſt profitable vnto you, and yet of great charge; and if you allow not this reaſon, I did it to make the truth knowne vnto others as wel as to me it is, that he is your child; wherein I doe ſufficientlie declare, that I do not onlie ioine mercie with iuſtice, but alſo that I doe further therevnto ad wiſedome, to make vp the number more perfect; for without it iuſtice ſeemeth to be rigor, and mercie no better then follie: for what greater fooliſhneſſe can there be, then to pittie ſuch a one as hurteth others? as this infant hurteth you and your creditors; therefore if he be not your ſonne let him be ſold, and if you haue begotten him, make his mother free. Whereupon doe you appeale? Becauſe I haue not likewiſe condemned you for periurie? The ſame may yet be done all in good time, the deed being prooued. You do alſo ſaie, that it were better to ſel the mother and the child together, it would be more indeed the childs profit: but it muſt bee conſidered that manie would willinglie haue a child in their houſe to make them ſome ſport, and afterwards to doe them ſome ſeruice, which would not be troubled with a whoore, that can be nothing but a ſlander, and an ill example for all their houſhold. For all theſe foreſaid reaſons, it may be gathered that I haue no deſire either to harme the innocent, or to hurt the afflicted, but mine intention is to haue the father acknowledge his child, and that the mother ſhould be recompenced as reaſon requireth.

Declamation. 25.

Of a Generall who after he had lost the battaile, sent to the Prince to know if he should giue the battaile.

King sent his Lieutenant Generall to the warres, with an expresse charge not to giue any Generall battaile without he did first aduertise his Maiestie thereof. It happened that occasion offered such an aduantage, that the said Lieutenant (notwithstanding the Kings commandement) did fight a battaile: but as the wars are casuall, and that oftentimes fortune crosseth the vertuous, so he lost the said battaile, and presently afterwards hee sent a post vnto the king to tell him that such an occasion was offered vnto him to giue the battaile, as was greatly vnto his aduantage, and declared such apparent reasons, as the Prince appointed that the battaile should be giuen, then the messenger said: If it like your Maiestie the battaile hath bcn giuen with all such order and policie as was requisit, notwithstanding wee haue lost the field: The King being exceeding angrie, caused the messenger to be hanged, and the Lieutenant Generall to bee taken and condemned him to death, who appealed, defending his cause thus:

IN vaine doe Princes send those vnto the wars, whose hands they keepe tied, and trulie it may be said that I was sent in such sort: Neuertheless, seeing the likelihood of a profitable victorie, to finish the wars to the great

great honor and commoditie of my Prince and countrie, the band of his commaundement vnloſed of it ſelfe, and leauing me at my libertie, I did my beſt, although fortune enemy to vertue ſo wrought againſt vs, as the effect prooued not according to the likelihood of the deed, and the deſire of the doer, but what ſhall I ſay? That I can do what men may doe onlie, fight a battaile, but God alone muſt giue the victorie: The which oftentimes either he delaieth or ſuffereth it whollie to be loſt for the ſinnes of the people, when God ſeeth that their pride and other vices are not yet left: moreouer, it happeneth manie times that God will puniſh the inſolencie of the ſouldiors, vſing the enemies as inſtruments of his iuſtice; Was not the battaile loſt by the children of Iſraell before *Hai*, onlie for the theft of *Achan*? Was not alſo the whole hoſt troubled, and *Ionathas* in danger of death becauſe he had taſted a little honie? With a number of other examples which I ouerpaſſe becauſe I will not be tedious. Alas how hard are mens actions to be effected, without his great danger that imploieth himſelf therein? And principallie when the iudgement of the performance thereof dependeth vpon one mans voice onely? Wherefore O Prince I ſay, that you alone cannot iudge me, much leſſe condemne me, except you doe it of your owne abſolute authoritie, which vndoubtedly were manifeſt tirannie, the which I thinke you doe verie much abhorre: conſidering that you alone cannot be a head without members, and that in this deed of mine the members are alſo interreſſed, that is to ſay, if I haue offended, they are to puniſh me, and not hauing offended, they ought to preſerue me, to performe ſome good ſeruice: for it is a matter of no ſmall importance for them to ſaue or loſe

such a man, whom you haue thought worthie to be the onlie Generall of your wars: and I doubt whether you alone may make a decree that I shall not fight, except also you your selfe may command me to doe it: for seeing the losse is more hurtfull vnto the people, then to the Prince, wherefore ought he to be the onlie iudge of a deed, wherein the Generall profit, or losse of the comminaltie consisteth? For bee it losse or gaine, the people must maintaine the Princes estate, and especially when they lose most, then are they most of all burthened with imposts and lendings, to resist the enemie, and to satisfie the Princes pleasure: whereupon it may be inferred that if I haue offended, it is more to the preiudice of the people then the Prince: notwithstanding I am content to submit my selfe vnto their iudgement, trusting that they will haue no lesse respect to the seruices which heretofore I haue done, and to those which hereafter I may yet doe, then vnto the good meaning that I had to performe this last seruice well, although God (it may be for a greater good) would not suffer me to haue the victorie, being as likely as it was desired.

The Princes Answere.

YOur excuse aggrauateth your crime, saieng that you did your dutie, and yet despised his commandement; whose mind therin you knew not. Did you know the reason why he forbad you to fight? Thinke you that he was altogether ignorant what the enemies were able to doe; and that they might be ouercome rather by temporising then by anie stroke striking? Doe you thinke your selfe wiser then that great *Fabius*, who rather desired to be counted a coward, then to lose the

Romane Citizens, who in that ſort temporiſing with great patience, was in the end the conqueror of that furious *Hanniball*. Doe you not know, that before a man can command, he muſt know how to obey? the which you had no deſire to do; You would willingly haue the ſouldiors obey you in doing badlie, and you would not obey the Pirince in doing well, what would they ſaie of you, if they were liuing? M. *Manlius Torquatus*, *Aulus Poſthumus Tubero*, and *Epaminundas*, they cauſed their owne ſonnes to die for tranſgreſſing, nay, rather for fighting againſt their commandement, yet had they the victorie; O how happie was that world then, when nothing was impoſſible vnto thoſe warriors ſo well diſciplined! It is alwaies the cuſtome of the raſh and braineſicke men, to attribute their faults to the will of God, to fortune, to the ſinne of the people, Prince, or ſouldiors, as you doe; forgetting your owne, together with your diſobedience, which being diſpleaſing both to God and men, can bring forth nothing that good is: then you mocking the Prince after the battaile is loſt, doe demand whether you ſhall fight it, alleaging ſo manie reaſons (it may be forged) that it were impoſſible to loſe it: and that which is worſt, heaping ſinne vpon ſin, you bring the princes authoritie in queſtion, and ſtirre vp the people againſt him, but your owne reaſons doe confound you, for doe not all the members obey the head? The head being greeued, are not all the members pained? Yea, when manie members are loſt, the head ſtill remaineth, and taketh care to preſerue the reſt, as hitherto I both haue, and will ſtill preſerue my people (God willing) who are not ſo impudent as to deſire to take an account of your faults, knowing well, that as that which concerneth the ſoule is referred vnto the di-

uine, the diseases of the bodie to the phisition, and controuersies for goods to the iustice, so are matters of warres and the gouernement thereof referred to the prince: but how can you doe them anie good seruice, seeing that you haue done your best to ouerthrow thē, for your owne pleasure? Trulie I should haue thought you alone worthie to be my Lieutenant Generall, if you had knowne how to obey me: but not esteeming me for your Prince you cannot be my Lieutenant. Doe you not know that in al affairs faults are not tollerable? But especially in the warres, where there needeth but one to ouerthrow all, they are most hurtfull: where haue you euer seene that it is lawfull for an offender to change, or alter the lawes, much more then is it for him to diminish or bring in question the authoritie of your Prince? But what would not you haue ben bold to attempt if you had ben victor? Surely nothing, but euen to haue attempted to make your selfe King. Finallie, the people may remember both the good and bad seruices that you haue done, and those which you may yet performe: but as for me I doe award him to be punished, who in stead of demanding mercie and pardon for his offence, will procure a second destruction, in changing of auncient customes, whereby the people haue ben all hether happilie gouerned, and preserued: for there was neuer anie alteration of laws or customes without bringing a calamitie vpon that land wherein they were begun.

Declamation 26.

Of those who were executed, because they confessed that they had murthered a man, afterward it was found that they were guiltles.

Iudge (vpon ſome likelihood) cauſed two men ſuſpected of murther to be racked: they confeſſe the fact, and are put to death. Some certaine time after their execution, he which was ſuppoſed to be murthered returned home: whervpon the kinsmen of thoſe that were executed accuſed the iudge, ſaying:

Laſſe how miſerable is that Commonwealth, where thoſe that ought to adminiſter iuſtice, and defend the innocents, doe (in ſteed of protecting them frō danger) put them to a moſt ſhamefull death: which trulie proceedeth by the admitting of cruell and bloodie men to the ſeat of iuſtice: who beſides their wicked nature, being accuſtomed to this vice, would make vs to beleeue that iuſtice (which ought to be the twinne ſiſter vnto mercie) conſiſteth in nothing but in barbarous crueltie: ſuch a man is this our worthie iudge, who vnder the coulor of I know not what likelihood, becauſe he would not ſeeme to be idle, hath tortured and tormēted two poore innocents in ſuch ſort, that to eſcape from his hands, they haue thought it a leſſe hurt, to die by the hands of the hangman, then to remaine anie more at the diſcretion of ſuch a iudge. Surelie it were better to pardon two malefactors, then to put to death one innocent; but this man hath rather cauſe two innocents to die, then he himſelfe would not be an offender. The ioints of euery righteous iudge ought to tremble, the hairs of his head to ſtand vpright for feare, yea, & the heart to faint when he thinketh, that by the authoritie of his voice (although neuer ſo iuſt) one like vnto himſelf, (nay more)

reſembling the image of God, ſhould be put to death? Seeing the fault for which he dieth cannot be recompenced; wherefore *Nero* (who was accounted a monſter for crueltie) had yet a kind of honor, when he ſigned anie ſentence of death. You will ſaie that they are put to death to terrifie others that are wickedlie minded. I confeſſe it, but the ſame ought to bee done vnto offenders. Alaſſe, if this iudge had beene as carefull to haue ſifted out the truth (which at the laſt by time is now brought to light) as he hath ben cruel to torment, and readie to execute theſe poore innocents, neither had they died ſo ſhamefullie, nor he liued to haue been charged for the crime of their death: but who may hencefoorth beleeue that the verie wicked ones can be rightlie iudged, when the good haue beene ſo wilfullie caſt away? Doe ſo much then O you rightful iudges, that this vniuſt iudge may be no more neither of your number, nor of the number of men, vnleſſe you will all be partakers both of his crime and of his diſhonor.

The Anſwere.

OF a truth that Commonwealth is miſerable, where the iudges are ſuch as you ſay: and moſt happie where they doe in no ſort ſwarue from the laws and cuſtomes long ſince allowed of, which I haue wholly obſerued and kept: For the law commandeth, and the cuſtome is, that euerie man ſuſpected of crime, whereof there is a verie apparent & ſufficient likelihood, ſhould be put vnto the racke, although the iudge were neuar ſo well perſuaded of his innocencie: and confeſſing the ſame both vpon the racke, and when he is taken off, that then he ſhould be puniſhed: ſurelie if I haue otherwiſe

therwiſe proceeded, I am faultie; but hauing not done amiſſe, I accuſe you for wronging me, and require that you make me amends for diſhonouring me: conſider thar it is in a manner an offence for anie man to liue ſo loſelie as that he may be ſuſpected to be a malefactor; ſuch haue your kinsmen ben, for they were not onlie ſuſpected of me, but generallie of all men, and it may be of your ſelues, for you neuer offered to approue their innocencie, vntill after their death: They ſhould haue taken heed that they might not haue been ſuſpected. In Athens and Rome, although *Ariſtides* and *Cato* had ben accuſed of murther, yet neither the iudges nor the people would euer haue beleeued it, ſo much is the opinion of a man his ſinceritie able to do; which good opinion was neuer had of your kinsmen: moreouer, they ſhould not haue confeſſed the fact with their own mouths, know you not that the iudge muſt not be partiall on neither ſide? But he muſt iudge according to the witneſſe of others, and the priſoners owne confeſſion: complaine then vpon thoſe who haue brought in ſuch ſufficient proofe as cauſed them to be racked, complaine alſo vpon their impatience and cowardlineſſe, in that they would not indure the torture of the racke, rather then die vpon the gallowes. I know well inough what regard is to be had before we pronounce the ſentence of death againſt anie man: As concerning *Nero* it is well knowne that it was but hipocriſie in him, although he ſeemed to haue a certaine horror when he ſigned the ſentence of anie condemned man, for afterwards it was apparently ſeene, that he cauſed manie innocents and men of worth to die, and I verilie beleeue that he would haue made no difficultie at al, vnleſſe the partie condemned had beene a notable wicked fellow,

for euerie one do loue such as are like vnto themselues. I did not prolong the execution, because I would not increase the affliction of the miserable by long imprisonment, as all iudges doe who are not subiect to corruption, for the prolonging of a malefactors life is both irksome and hurtfull vnto him. To conclude, let their processe be throughlie examined, and if I haue done anie iniustice I do submit my selfe to be punished, if not, then I appoint these my accusers to be so serued.

Declamation. 27.

Of him that falling downe from the top of his house slew another man, against whom the sonne of the slaine man demandeth iustice.

IT happened that in the countrie of the Switzers a certaine countrieman being got vpon the top of his house to see what reparation was wanting, fell downe by mischance vpon another man who happened to walke vnder the same house, & with his fall he slew him, but himselfe escaped. The son of the dead man caused the other to be imprisoned, and required that he might be put to death according to the law, which saith, that euerie mankiller ought to die, and he would not take anie other amends or satisfaction: the iudge of that place seeing his most cruell obstinacie gaue sentence, that the said plaintife should ascend vp to the top of the same house, and throwing himselfe downe vpon the defendant, should kill him if he could. The plaintife appealing before the Seignorie of Berne saith.

My

MY lords I beſeech you to conſider what men our iudges are, who in ſteed of doing iuſtice for the death of one of your ſubiects, will further ad therevnto the death of another, or at the leaſt compell him with the danger of his life to be the executioner of himſelfe, or of another, or it may be of both twaine together, which is a thing moſt abhominable, and againſt all reaſon. Who hath euer heard that the puniſhment of a murtherer hath ben executed in this ſort? And that there was euer anie honeſt man that on a ſuddaine was commanded to play the hangman and to performe an execution ſo ſtrange? They ſay that he fell downe by miſchance: as for me I thinke that he did willinglie throw himſelfe downe vpon malice, for els hee would at the leaſt haue giuen warning vnto all men (as his dutie was) that he meant to goe vp to the top of his houſe, that they might haue taken heed of anie inconuenience that might chance as wel by the falling of the tiles, as of the like of this that now is happened: but if it were true that hee fell by miſchance, why ſhould not he haue beene ſlaine as well as my father? Conſider my lords that the malice of men was neuer ſo great as at this day it is, and that they deuiſe manie means how they may hurt one another: and eſpeciallie thoſe in whom malice is rooted, which is neuer ſhowne but when it maie doe moſt hurt.

The Anſwere.

CONſider my Lords the malice together with the ignorance of this man, who heaping miſchiefe vpon miſchief, would make of one miſchance twaine. Is it not inough that one honeſt

neſt man be dead, But that another muſt againſt reaſon die alſo? Muſt the Commonwealth be in ſuch ſort maintained? Were it not better that this man ſhould be preſerued to helpe to defend the countrie if need were? Do we not know that ſomtimes one man is more woorth then an hundred? Is not he of the ſame lumpe as they were, who in times paſt, by their valiant deeds in armes, were able to winne that libertie which we do now inioy? (Thanks be to God, and to the inuiolable iuſtice of this moſt noble Senat) Suffer not then my lords the will of this fooliſh malicious man to be fulfilled, vnto whom the defendant hath offered ſuch a ſatiſfaction as is more then reaſonable: but he being void of all reaſon, hath by his moſt greeuous obſtinacie conſtrained vs to giue this ſentence, which was no leſſe abſurd then his requeſt vnreaſonable, being very ſure that he would neuer effect it: and for anſwere vnto his friuolous aſſertions, we will only ſay that the defendant had occaſion to be vpon his houſe top, and the father of the plantife had nothing to doe beneath, or before the ſame: not that the other neuertheleſſe had anie deſire to hurt him, but is extreamelie ſorrie for it, neither is it likelie (although he had borne him neuer ſo ill wil) that he durſt haue hazarded his owne life in that ſort, but he would rather haue thrown a tile at al aduentures and afterwards haue come downe on the other ſide ſaying that he did it not. Laſtlie, the malice and enuie wherewith he would ſlander another, is too apparent in himſelfe; Wherefore it may pleaſe you (moſt mercifull lords) to giue ſuch iudgement as this your ſubiect being innocent, may be preſerued to doe his countrie ſome ſeruice.

Decla-

Declamation. 28.

Of him that cauſed his wiues chaſtity to be tempted, that thereby he might haue ſome cauſe to put her away.

A Certaine man cauſed his wiues chaſtitie to bee tempted by his ſeruant, that was both faire and yoong, who was many times ſo importunate with her, that at the length her husband (being hidden in the garden) did heare how ſhe promiſed vnto her fained louer, that ſhe would yeeld vnto his deſire, the firſt time that her ſaid husband ſhould ride into the countrie. Whereupon he accuſed her to be an adultereſſe, and would haue put her away, ſaying:

NOt in vaine doth *Salomon* ſay, that a vertuous woman is a crowne vnto her husband, but ſhe that behaueth her ſelf diſhoneſtly is a corruption in his bones: Alaſſe I did ſuppoſe that I had had a vertuous wife, but ſhe proueth quite contrarie, wherfore I am conſtrained to forſake her, although the wife ought to be no other, then the better part of the husband ſo long as ſhe is knowne to be honeſt, but if ſhe be otherwiſe, reaſon willeth him to make no longer account of her, for marriage being a figure of God and his church, it ought to be altogether pure and immaculat: moreouer the man and the woman by this means ought to be as the ſoule and bodie, which cannot be ſeperated but by death: but finallie I know to my great diſcredit, that he which taketh a wife is aſſured of a great danger, ſeeing that

mine

mine without anie occaſion (hauing whatſoeuer a woman of her degree might deſire) hath giuen her ſelfe ouer vnto ſuch a one as was euen but my ſeruant: what ſhould not then ſome noble or worthie man haue obtained at her hands if he had likewiſe tried her: but ſhe not being courted by anie other, yeelded vnto the firſt, as alſo becauſe all laſciuious women do very well know that ſuch men as liue without care are beſt able to ſatiſfie their luſt, which is the onlie cauſe that they doe rather frequent the companie of Lackies and Monkes who are fed without anie care or coſt of their own: but what a foole am I to complaine, and ſay that this is the firſt offence, ſeeing that this perchance is not the hundreth man that hath obtained whatſoeuer he required of her, for commonlie manie faults are committed before that one be eſpied: but when one is diſcloſed, it conſtraineth a man to be ſuſpitious of many more: and that woman may well be tearmed ſhameleſſe, which ſuffereth her tongue to promiſe the performance of ſuch a villanie: eſpeciallie ſeeing thoſe that are moſt impudent, deſire that men ſhould thinke that they are not lightlie to be wone, but that with much courting, large offers, and round rewards, they are rather inforced to yeeld, then vpon no conſideration at all to promiſe a victorie. I maruaile much why anie woman can for ſhame liue to ſhew her face, when ſhe her ſelfe by her owne tongue condemneth her reputation: O an hundredfold miſerable are they, that for ſo fraile a ſolace doe buy a perpetuall ſorrow: but what goodneſſe can there be in that woman which hath loſt her chaſtetie? The which was well knowne of *Suſanna*, *Lucrece*, and the Grecian *Hippo* who did leape into the ſea, chuſing there to die rather then ſhe would loſe her chaſtitie, be-

ſides

sides manie others, who ought to serue for an example vnto our matrons, but they had rather imitate *Flora*, *Thais*, and *Lamia*, wherefore as they doe deserue to be heires of their vice, so likewise ought they to inherite the same renoune: as for me I am sure if I doe remaine anie longer with this woman, that not onlie my goods and credit, but also my bodie and soule shall be in danger of losing, for such as are harlots do steale from their husbands to giue their companions, and sometimes they make them their husbands murtherers, at such a time when as soule and bodie do both perish together: to preuent so great a mischiefe (I speake to you my maisters that are her kinsmen) I know not what your kinswoman was when you gaue her to me, but I am verie sure that I redeliuer her vnto you a most dishonest woman, wherefore I do but my dutie in putting her away, seeing that *Cæsar* did put away his wife, because hee found *Claudius* in his house apparelled like a woman at such time as the women were about their sacrifice, and not knowing whether hee meant to haue defiled his wife, he only alleaged this for all his reason: It behoooueth (saith he) the wife of *Cæsar* to be as free from suspition, as she ought to be from fault: receiue then your kinswoman charged with an euident crime.

The Answere of the kinsmen, beginning at the end of the accusation.

O What a prowd fellow is this, that would compare himselfe vnto *Cæsar*, O what a great credit he doth himselfe in thinking to discredit vs, when he saith, That he knoweth not what our kinswoman was when shee came vnto him: but that he knoweth well how he re-

storeth

ſtoreth her vnto vs worſe then diſhoneſt, trulie he hath made a faire peece of worke, in cauſing her to be tempted, to make her ſeeme ſuch a one: in ſooth that man which wil be a baud vnto his wife, doth deſerue (as you doe) to loſe his goods, life, reputation, and ſoule alſo. We know well inough, that the beſt part in a woman is her chaſtitie, and how much they are to preferre it before all other graces: ſo alſo you cannot denie but that the diſhoneſty conſiſteth in the deed, and not in a word ſpoken without knowing to what intent: what can you tell whether ſhe promiſed him for feare leaſt he would haue forced her, ſeeing her alone? Or becauſe ſhe wold cauſe you to know the vnfaithfulneſſe of your ſeruant, and by that means conſerue both your credite and her owne? Neither doe wee likewiſe denie that ſhe hath made a promiſe vnto the firſt that courted her, for being vertuous, and ſo knowne, there was neuer anie man that durſt be ſo bold to aske her anie ſuch matter, as alſo your ſeruant durſt not haue preſumed, if you your ſelfe had not incouraged him: he then which ſeeketh for that which he would not find, ought not to complaine, if he find that which he would not haue ſought: but it is verie likely that your ſelfe was verie certain that ſhe would neuer haue performed her promiſe, ſeeing you had no will to ſee the triall thereof, for what could you haue loſt thereby, if ſhee bee ſuch a one as you ſay ſhe is? But you know verie well that ſhe is better then you deſerue: therefore becauſe you hated her vertue, you would be rid of her: ſurely you alleage *Salomon* verie well for your aduantage, as you thinke; and you ſay not amiſſe when you affirme, that the wife ought to be the better halfe of her husband, for certainlie the ſame is ſeene in our kinswoman, ſeeing that you are of no ac-

count

count at all, wherefore you doe not deserue that shee should be your crowne. Lastly were she lesse honest, she might denie that which you cannot proue, but seeing that she hath made no promise, but to quite her selfe and to saue your reputation and her owne: we require that you may first make amends for slandering her, and afterwards we will not refuse to take her away from such a wicked man as you are.

Declamation. 29.

Of a bastard who demanded the performance of his fathers will, although the house and the goods were burned.

A Man making his last Will and testament, left all his goods vnto two of his sonnes lawfully begotten, vpon condition that they should giue a thousand crowns vnto his bastard. Now it chanced that during the funerals, the house, and the most of the best stuffe therein was burned, so that the remainder of all the goods and mooueables that were left, amounted not to three thousand crowns: Neuertheless the bastard demandeth a thousand thereof, the eldest sonne consented, the yoonger resisted it, saying:

WHat reason is there to giue a greater portion vnto a bastard, then is left for the lawfull children? Seeing the mischance that is happened, moreouer it is to be doubted whether our father might or ought to make a will in such sort, seeing

that

that reaſon bindeth the fathers ſo ſoone as they haue children, to beleeue that they (being no other then true adminiſtrators of their goods) ought to leaue them vnto their children, at the leaſt in ſuch quantitie as they haue receiued them from their fathers: but let vs inquire of this claiming baſtard, (that with ſo great inſtance demandeth the accompliſhment of our fathers laſt Will) that if he had bequeathed him an hundred blowes with a ſtaffe, whether he would willinglie receiue them? I beleeue he would not: or if he had impoſed him to doe ſome great pennance for him, or to accompliſh ſome great vow or pilgrimage, a man ſhold then haue ſeene how readie he would be to performe it: but for the moſt part it is a cuſtome that thoſe which haue ſtood the dead in no ſtead, except it be to diſcredit them, will neuertheleſſe deſire the beſt part of their goods, before thoſe that haue better deſerued them: but what is he? Vnleſſe he bee ſuch a one as he ſaith; That is, a manifeſt witneſſe of our fathers ſhame: and if he be not ſuch a one, what is that which he requireth, and wherfore doth he claime it? Eſpecialiie ſeeing that ſuch a miſchance is happened, as the beſt part of our goods is loſt before that anie part of the Teſtament could be performed. As for my brother, if he will giue away his goods, I will not hinder him, but I will keepe mine if I can: and the rather, becauſe that if the worſt doe happen, yet cannot he claime anie further part in our goods but onlie ſuch a reaſonable portion, according to the value of it now (conſidering our loſſe) as may proportionablie anſwere the value of that which it was worth at the ſame time when the Wil was made; and yet if I doe beſtow this liberalitie vpon him, it is for the loue of our late deceaſſed father, and not for his owne ſake.

The Answere.

THe iudges are too iust to allow your saying, and yet more righteous should they be if they caused him to be chastised, that maketh a doubt whether his father may dispose his goods at his owne pleasure, hauing as he had a good vnderstanding, and a perfect memorie, so that he remembring me, how obedient and seruiceable I was alwaies vnto him, was desirous to shew that he knew thereby that I was vndoubtedly his sonne, and for such a one was he willing to acknowledge me, giuing me a certaine portion of those goods which were his, and none of yours: wherefore it must no more be demanded who I am, what I require, or why? For I tell you that I am son to the testator, which you say was your father, I doe demand a thousand crowns, because that his Will declareth that you should giue them vnto me: but as for the blowes with a staffe whereof you speake, I thinke they are rather due vnto you, in that you desire to abuse your fathers soule: what doe you know if by this meanes, he was desirous to vnburthen his soule of the sinne that he hath committed in begetting me, lesse in reputation then you? concerning the vows and pilgrimages, if they had ben enioined me, I would haue acquited my selfe therein more willingly then you doe in that wherevnto you were inioined: but you would iudge my heart by the malice of your owne, wherefore not I, but your selfe serue for a discredit vnto our father; for some may think that for want of good education and chastisement you are become so mischeeuous: moreouer, I neither can in anie thing, nor for anie thing be partaker of your

losse, seeing that since the deceasse of our father, you haue had the goods in your possessio: if you had giuen them me to keepe, I should haue ben bound to answere it, but not being so, I will not forgiue you anie thing: and like as you say that you will keep your own, euen so will I get mine owne if I can, and if I ought to forgiue any part thereof, it shal be rather vnto your brother then to you, because he will not deceiue me; but as the worst wheele in the cart maketh the greatest noise, and vildest beast in the Heard is most stubborn and vntoward to rule, euen so the example of your brother manifesteth your iniquitie, and sheweth that you are contrarie to his iust meaning, the which neuertheless by the helpe of God, and the righteous fauour of the iudge, shal but redound to your shame and hinderance.

Declamation. 30.

Of a knight of Rhodes, that would enter into Religion again, after that he had giuen ouer his Order, to take a wife.

WHilest the Knights were yet remaining in Rhodes, a certaine knight amongst them gaue ouer his charge vnto the great maister of that order, and by vertue of a dispensation did betroth himselfe vnto a yong gentlewoman: but vpon the marriage day he vnderstood that she was his cousin Germaine, whereupon he leauing her, requireth to be receaued againe into the order of the knights, and that his charge might be restored vnto him, but the great maister hauing alreadie bestowed the same, denied him both the one and the other saying:

It

IT is verie vnseemely for a wiseman to say, I thought not vpon anie such, or the like matter: for a discreet man should diligently foresee all things before he determine anie thing, and trulie he that is not wise and very discreet, deserueth not to be a knight, much les a knight of this order, and a commander, seeing no knights are more worthy then they; because they keepe euen the very key of Christendome. Wherefore you must not thinke (gentleman) that the forsaking, and receiuing againe into this holie order of our knighthood, is so easie to bee done as it is in the courts of some Prince, where for the most part, it is sufficient if they be but only knights in name, or as it is commonly said, dubbed but with a Virgin sword: for in our order aboue all thinges, constancie ioined with prudence and discretion is requisit, so that finding none of these three to remain in you, I cannot deeme you worthy to enter into this order, & much lesse to repossesse a place of command: but it may be that this presumption of yours proceedeth because you were ouer easily admitted at the first; know then that it was vpon the hope, that being yoong, and frequenting the companie of ancient knights, you might easily imitate their valor, wherein you shewing some likelihood there was a commanders place bestowed vpon you to incourage you therein altogether, but you haue greatly deceiued our hope, when without anie consideration at all you haue giuen ouer so great a credit and honor, to wed such a one with whome you had no acquaintaince at all: is there anie follie more great then to leaue a certaintie for an incertaintie? If you committed this fault because you were in loue with

the gentlewoman, you condemne your ſelfe to be voluptuous, and ſo conſequently vnworthie of our Order, where you haue made a vow of chaſtitie, which is maintained by the exerciſe of the bodie, and by faſting: wherefore S. *Bernard* ſaid well vnto his Monks; Eat you ſo ſparingly, that the remembrance of bread may be rather in your mind, then the deſire of luſt: by this meanes the good knights doe harden themſelues and learne to ſuffer conſtantly the extremitie of a ſiege or of a long ſea voiage. If you haue done it through ambition, you are as little excuſable, Becauſe that ambition is like vnto a fire which burneth all before it, and neuer dieth ſo long as anie thing remaineth to maintain it: and alſo becauſe it iudgeth all things to be lawfull; our order can neuer put anie truſt in you; or if you haue forſaken the order becauſe you make no great account of it, You will neuer doe anie good for it: You may anſwere that the good is ſildome knowne before it be loſt, I replie vnto you that they, which neither doe know, nor haue knowne what is good, and therefore haue ſuffered it to be loſt, deſerue in no ſort to haue it againe: therefore it is your beſt way to purchaſe it by ſome other means. Doe you ſay that your felicitie depended only vpon this marriage? Then afterwards ſeeing you could not accompliſh it, you wold require againe that which you haue forſaken, without anie other reaſon: you know that our profeſſion is to war againſt the Turke, wherefore the onely meanes to reobtaine that which you demand of vs, is to imploy your ſelfe in ſuch ſort againſt our enemie, as we may know the ſame valor, diſcretion, prudence, & conſtancie to be remaining in you, which hetherto you haue not ſhowne: then forgetting all former faults, we ſhall

ima-

imagine how we may honor and reward you again, as already we haue done, vpon hope that you ſhould haue ben ſuch a one as you ought, and yet may if you endeuour your ſelfe ſo to be.

The Anſwere.

TRulie that man is moſt wiſe who premeditateth and foreſeeth whatſoeuer may afterwards happen, but I would faine know where ſuch men are to be found, that I might dwell amongſt them as their ſlaue if otherwiſe I could not? For ſo yet ſhould I eſteeme my ſelfe happie; but I beleeue that ſuch men are more rare then the Phœnix: for that point which you require to be in me, paſſeth all humane power, becauſe that either ſecretlie or openlie the moſt part of men do know wel that manie matters doe fall out far otherwiſe then they would euer haue thought they ſhould, and diuers chances may happen vnto them whereof they neuer imagined. Moreouer, I am not ignorant that all theſe perfections which you alleage, are required in him which will be a knight: I do likewiſe conſider the worthineſſe of our order, and doe know that the obtaining, giuing ouer, and reobtaining of the ſame is difficult: and ſo will it bee as hardlie prooued that I am leſſe worthie then the moſt part of thoſe that are of the ſame order, the which I will prooue bodie to bodie againſt thoſe which will or dare maintaine the contrarie; and it is a ſpeciall point to bee doubted whether I haue left the ſame or no, ſeeing that the effect for which I deſired leaue to depart is not accompliſhed. I departed to bee maried, but am I ſo for all that? No ſurely; for it is impoſſible that ſo I ſhould be, becauſe it

was not lawfull: doe you not know that marriages are made in heauen, and effected here on earth? What can you tel whether it was Gods pleasur that by this means onlie I should come to the knowledge of my kinswoman? Whom especiallie, before I knew her, I loued with a sincere and chast loue, prouoked thereunto by an honest instinct of nature, and now by the will of God made manifest, to make you know that neither voluptuousnesse nor ambition induced me to loue her, but onlie the neerenesse of blood, which yet being vnknowne, might notwithstanding moue the hearts of men: being then not departed for anie such cause wherewith you wrongfullie accuse me; I say and doe maintain that not only I may, but I also ought to re-enter againe into mine order: yea and you might and ought to constraine me thereunto, seeing that the effect for the which I gaue it ouer hath not accordinglie succeeded: but since I see, chieflie by your slanderous reproches, that you are wholie bent against me, I appeale from your will to the censure of al the members of this order, without whom you cannot be Generall, were you a thousand times greater then you are.

Declamation. 31.

Of a Iudge who paied three thousand crowns to cause a murtherer to be hanged.

A Certaine nation receaued one to be their prince, who maketh an oath, that he will maintaine them in all their priuiledges, rights, and customes: It happened that the iudge appointed by the same Prince would haue caused a murtherer

rer to be hanged: the kinsmen of the malefactor doe proue by their priuiledges, that he might redeeme his life for three thousand crownes: the iudge caused him to be hanged, and paied himselfe three thousand crownes for hauing put him to death; his kindred appeale vnto the Prince, and say:

MOst mightie and iust Prince, the renowne of your equitie hath incited vs to become your most loiall, most louing, most humble, & most faithfull subiects, and to chuse you for our soueraigne Prince, and most redoubted lord: whereby this good is happened vnto vs, that we haue alwaies found in you such iustice and bountie as is requisite; as also your Maiestie shall euer find in vs all dutifull obedience: but what shall we saie? Seeing that this happinesse of your good meaning, is abused by the malice of your ministers, and especiallie bv the chiefest, which is hee that ought to administer vnto vs iustice in your behalfe, and to haue a respect that wee maie bee maintained in our rights, priuiledges, and customes, according as it hath pleased your Maiestie to take your oath: but he which is our iudge hath had iustice in derision, and vnder the shaddow thereof hath committed cruelltie, for hauing condemned one of our Citizens to die for a manslaughter, wee shewed him that which he ought not to be ignorant of, that is to saie, how our priuiledges doe permit that such a trespasse maie be satisfied with the paiment of three thousand crowns, appliable according to the ordinãces in such cases prouided, whervpon he hath therby taken an occasion to put one of our Citizens to an ignominious death, to the great dishonor of all his linage, saieng that he shall be acquited in paieng the said forfeit; as if there were no diffe-

rence betweene the killing of a man in cold blood, through a certaine malice or contempt (eſpeciallie in deriſion of iuſtice of the Commonwealth, and of the lawes and priuiledges therof, to cauſe one die ſhamefullie and cruelly by the hands of an hangman) and the ſlaying of ones enemie, by whom a man is prouoked therevnto through ſome wrong, or other iuſt cauſe of malice. But wherein you vniuſt iudge had this our Citizen offended you? Seeing that you haue no part in the Commonwealth, but like an hired ſeruant in a houſe, you are to abide therein onelie the appointed time of your office, which is giuen vnto you not to aboliſh our priuiledges, but to maintaine them: all the other Citizens were more intereſſed in this fact then you, and neuetheleſſe you alone haue beene deſirous of reuenge: trulie crueltie becommeth no man, but it is moſt odious in Princes and Iudges, more then in anie others: ſeeing that our Prince is altogether free from this vice, ought not you to follow his example? Or at the leaſt you ought not to haue erred from the ſame ſo reprochfullie. If too ſharpe and rigorous laws are made more to terrifie men then to deſtroie them, wherefore haue you rather deſired to aggrauate our lawes then to performe them? Who hath made you more wiſe then our Anceſtors, who haue inuented this priuiledge for the conſeruation of the Citizens? Doe you not know that iuſtice without mercie is iniuſtice? How great crueltie is it then, to turne mercie into rigor? Moſt vniuſt is the ſentence which preuenteth iudgement, and ſuch hath yours ben, for crueltie depriued you of all iudgement when you pronounced the ſame. Doe you not know that whileſt you iudge other men, God iudgeth you? How would you doe then if hee ſhould iudge you according

cording to your your deserts? But who hath mooued you to commit this new crueltie? Doe you not know that all innouation of laws & customes is no lesse dangerous then scandalous? To conclude, you haue offended the Prince in resisting of his oath, and wronged his subiects in breaking their pruiledges: both the one and the other offence deserueth death: wherevpon we beseech you (most righteous Prince) that he which hath contemned your authoritie, iustice, and our priuiledges, may bee punished, that all the Iudges hereafter may thereby take an example; Seeing that if our enemies had not giuen him the monie, he would neuer haue purchased at so great a charge, an vnlawful means to exercise his crueltie against your subiect, and our priuiledges.

The Answere.

IF anie law be vniust or pernicious, it is that which is not equall to all men; but how can that be equall which causeth the greatest malefactors to escape for monie? As this priuiledge doth allow, which imboldeneth the rich that ought to succour the poore, not only to wrong them, but also to murther them, because hee knoweth verie well that he shall be acquited for monie, the which being paied, he afterwards committeth a thousand mischiefs to get that which he hath spent, into his purse againe: for what wickednesse will not such a one be bold to commit, that maketh no conscience to kill his equall? Or it may be such a one as is better then himselfe? But if the law or your priuiledge bee vniust, then haue not I offended: Or if I haue misdone, in paieng the forfeiture I am acquited. Why should he be puni-

puniſhed which procureth the death of a malefactor; Seeing that hee which murthereth an innocent is quit for monie? Concerning the difference of cold blood, and to cauſe one to die by the hands of the hangman, that doth in no ſort aggrauate the offence: for being an offender, he hath thereby had the better means to acknowledge his fault, and to craue pardon of God, eſpeciallie to diſpoſe of his worldlie cares and familie, the which he gaue no leiſure vnto the other to doe: and for the reproch, it conſiſteth not in the maner of the death, but in the cauſe of the death; For if anie man ſhould be hanged for hauing done ſome good vnto his countrie, his death ſhould neuertheleſſe be accounted honourable, but he which is hurtfull vnto the Commonwealth (although hee die in his bed amongſt his kindred) yet ſhould his death be accounted odious. It is not I then that am cauſe of his ſhame, but the murther which he hath committed. I confeſſe indeed that he neuer offended me, but rather iuſtice; ſo likewiſe I cauſed him not to die, but to maintain equitie: and not being able to doe it without disburſing of monie, I did rather chuſe to pay it, then to leaue iuſtice vndone. I haue not infringed or broken your priuiledge, but onelie ſhewed that it is vnlawfull, and that it ought to be amended. I cannot tell whether your anceſtors were more wiſe then I, but I dare well ſay that they were rich men, who without the conſent of the poore men, inuented this priuiledge: for there was neuer anie tyrannie more manifeſt, which your ſelues ought to aboliſh, you being ſubiect to a moſt iuſt Prince: therefore I deſired to admoniſh you thereof at mine owne proper coſts and charges. Likewiſe I know that I am not the firſt which hath beene ſlandered for mine honeſt meaning,

ning, in desiring to change wicked customes into good; for *Solon* and *Licurgus* were not free from the like, and before them *Moises*, then *Socrates* who was put to death for no other cause. But considering that Iustice alone is the soueraigne of al other vertues, and ruleth all mortall wights, because that without her none can liue in safetie, especiallie seeing that without it the Commō-wealth is like vnto a body which being corrupted with euill humors doth with lanquishing pine away, I haue neglected all other things, especiallie to maintaine the same; and you haue no cause to complaine on mee for setting as little by my life as by my goods. Wherefore without answering anie further to your slanderous reproches, trusting vnto the equitie of the Prince, I doe freelie submit my goods, honour, and life vnto his most iust iudgement.

Declamation. 32.

Of those that would depose the King because he had lost the battaile.

IT is the custome of a certaine people that the men of warre doe chuse the King. It happeneth that the said King doth lead his men vnto the warres, where all his souldiors are ouerthrowne, onely he with a verie small number escaped, so that the Citizens and people are constrained to take arms to defend them from the conquerors, and the better to performe the same, they would chuse another king: but the foresaid king resisteth them, saying:

As

AS there is but one onelie God in heauen, and one ſunne to lighten the world, ſo likewiſe cannot you haue two kings ouer you, neither yet can you depoſe or change your king at your pleaſure: for the power of kings commeth of God, which holdeth their hearts in his hand: how dare you then but onlie thinke ſuch a wickednesſe as to be deſirous to change or depoſe him who is annointed and choſen of God to raigne ouer you? Did not *Dauid* put him to death which made his boaſt that he had ſlaine *Saule*? And although that *Dauid* were already annointed king of Iſraell, yet was king *Saule* not depoſed vntill his death. You ſaie that I haue gouerned the warres ill, I denie it: for I went thether my ſelfe, and neither wanting valor nor skil, I did valiantlie fight to the great endangering of mine owne perſon. I haue not neglected my dutie in fighting, but God hath giuen the victorie to the enemies: wherefore would God haue preſerued me from ſo great a danger, vnleſſe it were to manifeſt the eſpeciall care that he hath ouer kings, and that it were his pleaſure that I ſhould yet raigne ouer you? And not another? How dare you then imagine to change him whom he hath firſt giuen vnto you, and then afterwards ſo miraculouſlie preſerued? If you ſtand in doubt whether I deſerue the dignitie or not, the electiue voices of ſo manie valiant men, which haue onlie iudged me aboue all the reſt of this realme for the worthieſt to be your king, ought to aſſure you thereof: but as hope dooth torment mens hearts no leſſe then feare and other paſſions, ſo ſome of you hoping to attaine vnto the kinglie dignitie, haue not the patience to ſtay vntill it be void by my death whereby

it plainlie appeareth, that couetousnesse neuer iudgeth anie thing to be vnlawfull: the people haue nothing to doe to depose their king, but God by depriuing him of life, who by his grace, and for your good, hath been pleased to saue me: will you then contradict his will? But although I had for want of skill beene the cause of our losse, will you saie that you must needs chuse another, that maie doe as much or worse? He which hath once done amisse, may when he beginneth again make amends, but thankes be to God as I want not experience, so haue I not failed to doe that which was requisit, but it may be it was our sinnes that haue prouoked Gods wrath against vs, who by our contrition and amendment of life is first to be appeased, then he being mercifull vnto vs, we shall not onlie be reuenged of our enemies, but he will also giue vs power to subdue those that would oppresse vs: yet that this shall be done vnder any other the I, whilst I liue, I hope that good God will neuer suffer it, seeing that to determine but such a matter were to heape sin vpon sin.

The Answere.

WE doe neither require two kings, neither doe we desire to change our king, for we haue none: who made you king ouer vs? are not they dead that chose you for their king? You are then king ouer the dead: Wherfore reason would that you should be sent vnto them. When you were chosen we were Citizens, now through your fault we are constrained to be souldiors. It is the ancient custome that the men of war doe chuse the king, we wil then chuse one; Seeing that your selfe are the cause that we haue chaun-

ged

ged our qualitie, what reaſon is there that you ſhould remaine in yours? Concerning the example of *Dauid* and *Saule*, it nothing concerneth our matter: for the greateſt parte of eueric action conſiſteth in the time and place; therefore it muſt be conſidered, that as our time now, is not the like vnto the time then, ſo alſo that we are here, and not in Paleſtine. Moreouer, we haue nomore Prophets to annoint the kings, becauſe God for our ſinnes dooth no more elect kings by miracle: wherefore it commonlie happeneth, that the moſt wicked man attaineth to that dignitie, and chieflie when the election remaineth in the power of the ſouldiours: forſildome is there found anie equitie amongſt thoſe that follow the wars, ſo that our miſerie is lamentable, ſeeing that your ambitious raſhneſſe compelleth vs of Citizens to become ſouldiours. We know well (to our great preiudice) that you your ſelfe did goe vnto the wars; but of your induſtrie, valor, and dutie, no man beareth witneſſe except your ſelfe: but the widdowes and orphants of thoſe whom you haue led vnto the ſlaughter, with a far greater number, can witneſſe the contrarie: and they doe affirme, that you had great wrong to eſcape, becauſe ſo manie valiant men are loſt through your default, the which is more puniſhable then excuſable. To ſaie likewiſe that God hath preſerued you by ſome his eſpeciall prouidence, it may verie well be: becauſe he would ſend you back hether to receiue puniſhment for your raſhneſſe, by that ſpectacle ſomewhat to comfort the multitude of thoſe whom you haue made miſerable: neither did the electiue voice of the ſouldiors chuſe you as the beſt man of the land, but as he that was moſt conformable to their deſire, and that would giue them the moſt libertie to doe ill; for ſo

were

were *Otho*, *Galba*, *Vitelius*, and other harebrain men chosen by the souldiors for Emperors. As for ambition and couetousnesse, wherewith you accuse vs by presumption, you doe euidentlie shew, that it remaineth in you. In saieng also that he which hath once done amisse becommeth afterwards more expert: the same is doubtfull, for euen in his first fault he sheweth that he wanteth iudgement, and no man ought to presume to make himselfe cunning by the preiudice of so manie others, and with no lesse then the hazard of a whole realme. In eueric action it is odious to erre, but in the warres it is most hurtfull, so that to doe amisse therein but one time onlie, is far too much. We doe not depose you at all, for henceforth you are king no more, neither yet ought you to bee anie thing if wee should iustlie proceed against you, but we refer that vnto the discretion of the king which shall be chosen. As concerning contrition and good works to make satisfaction for our sinnes, it cannot chuse but be a good deed to root out him from amongst vs which is the cause of our mischiefe. To affirme that God will neuer suffer vs to obtain the victorie vnder anie other but you: You onlie saie it, and the opinion of all the wisest is quite contrarie, wherefore it is best to follow the opinion of manie which haue not as yet erred, then the iudgement of one onlie man, which hath brought vs into this miserie wherein wee now remaine through his fault.

Declamation. 33.

Of the Athenians who denied to pay vnto the Thebans that which they ought.

The

THe Athenians did owe ſixe hundred thouſand talents of pure ſiluer vnto the Thebans. It chanced that Alexander *did by force of Armes take the cittie of Thebes, and amongſt other riches hee found the Athenians obligation, (wherwith to gratifie the ſaid debtors) he reſtored it vnto them: but after the death of* Alexander, *the Thebans demanded the ſaid ſumme of the Athenians, who aunſwered, That ſeeing they had recouered their obligation, they were not in anie ſort indebted vnto them; with theſe reaſons hereafter enſuing.*

YOu ſaie worthie Thebans that wee doe owe you ſixe hundred thouſand talents, the proofe thereof is verie hard, ſeeing that it is well knowne of old, that you neuer lent anie ſuch ſummes without good aſſurance, and taking ſufficient bands of the debtors: ſhew vs then if you haue anie bond of ours, and then we ſhall thinke vpon the meanes to ſatisfie it. You ſaie we had one, but *Alexander* tooke it from vs, and reſtored it to you: if it be ſo, conſider what he was that took it from you, and redeliuered it vnto vs, was it not *Alexander* ſent from the gods, not onlie to ſubdue you and vs, but almoſt al the world? At that time, were not your goods onlie in his power, but alſo your liues? Do you greeue that a part is lacking, ſeeing that the whole might as well haue ben loſt? Doe you not know that he came to leaue you what he thought good, and to take from you that which he knew to bee ſuperfluous? Seeing that ſuperfluitie is not onelie troubleſome and painefull, but alſo hurtfull: for inciting the hearts of

ſuch

such as possesse it vnto pride and insolencie, it is oftentimes the cause of their miserie: in like sort such is the iudgement of the gods, that they which haue flocked together to afflict manie, should afterwards be afflicted themselues by one alone, and all that which they haue in manie yeares purloined from others, should afterwards in one daie be take away from them by the same man: in like manner hath it befallen you noble Thebans euen as you saie: *Alexander* hath taken away our obligation from you, to restore it to vs, it is the will of the gods; who in processe of time haue wrought such alterations, wherfore it may so fall out in time to come, that you (owing vnto vs so much siluer) or more, you may likewise paie vs after the same sort; That wee are quit from you it cannot be denied, seeing that you haue no bond of ours: for to what end are bonds made but to compell such as will not paie? Constraine vs then by our obligation to paie you, or ceasse from demanding anie thing of vs: but although it were so as you saie, that *Alexander* had yeelded vp our obligation, what doe you know whether wee haue paied it vnto him; Who then was Lord not onlie of your gooods, but also of your liues? If we haue paied it him, why should we paie it againe? And if he haue liberallie bestowed it vpon vs, We haue both thanked him, and are also yet beholding vnto his posteritie, yea, vnto his ashes for the same, why would you, or how can you thē bind vs twice for one onlie debt? That cannot be don Thebans, wherefore it shall bee but well that you surceasse to importune vs anie further: considering that those which wearie others, take small rest themselues, and especiallie, that labour is lost which profiteth nothing at all, as yours hath been and alwaies wil be con-

cerning this matter, and although you take herein what course you shall thinke most expedient, yet you must beleeue that wee are able to yeeld you a reason for anie thing that you shall demand at our hand: but see that you remember this; that he which desireth to molest another, doth oftentimes worke his owne ouerthrow.

The Answere.

THere is nothing more true (you ingratefull Athenians) then our speech, when we saie that you doe owe vs sixe hundred thousand talents; and that it is so, the prosperitie wherein we haue placed you, and the miserie wherein you were, are two witnesses verie sufficient to prooue our reason and your ingratitude: which truelie is a pernicious vice, but in the end more hurtfull vnto those that vse it then vnto anie other, wherefore it is a follie in you to looke for anie aduancement thereby: but although it were not so, what proofe would you haue more plaine then your owne conscience, if you would beleeue that which is able to testifie vnto you? And thinke not but that the same obligation which *Alexander* hath restored vnto you will bee a witnesse against you; Yea and to bring a greater mischiefe vpon you being in your hands then when it was in ours: for seeing that it was possible for vs to lose that which we had gained iustlie, what thinke you will become of that which you doe detaine and possesse wrongfullie? Assure you that this iniquitie will bring you vnto an extreame necessitie, more great then that from which wee haue freed you by our courtesie: lending you that which you now doe wickedlie denie vs. As for *Alexander*, hee had no

power

power ouer vs when we lent you the siluer, therefore he could in no sort acquite you thereof. If then the fire by mischance had burned your bond, or if a theefe hauing stolen it, should haue restored it vnto you, should you for all that bee freed of the debt? It seemeth no; Make account that there is no other difference betwixt a theefe and *Alexander*, but onelie that the one stealeth by subtiltie, and the other by force: as that Pirate whom hee had taken said vnto the same *Alexander*, Because (saith hee) that I haue but one ship, I am called a theefe, but because thou art able to steale more then I, thou art called a king. But whie are you not ashamed to bee beholding for a shrewd turne vnto one, whose father and he haue been alwaies mortall enemies to the libertie of Greece? take example by the gaine which he hath made, after so manie extortions. Is not he miserablie dead, by the means of his most familiar friends? And those were his heires which were not so much as anie thing a kinne vnto him; who did spend his treasure and goods in destroieng one another: the which should make you wise, O you Athenians, and cause you to surceasse this follie, to saie that you are quit, hauing receiued your bond from one, who hath taken it from vs by force; and who for this deed and other such like, did shamefullie die as he deserued: moreouer, it is not likelie that he was sent from the gods to subdue vs, but true it is that by their permission wee were by him vniustlie tiranniſed ouer, and for our sinnes hee was as a scourge of the Gods, but their anger ceasing, hee perished also. But who did euer see that a debtor ought to bee the iudge of his creditors actions, as you would bee of ours? Seeing that you are vtterlie blinded with passion: for whilst you accuse vs of pride, and couetousnes, you

doe not consider that yeurselues are guiltie of treason and theft: because you haue cleaued vnto the capitall enemie of Greece, and for the same cause you will detaine from vs that which we did lend vnto you in your greatest need: concerning that which you speake of Time, as being the minister of the gods, it maie bee the same gods of whom you speake in mockerie, will so bring it to passe, as time shall compell you shortlie, not onlie to satisfie vs, but also to become more miserable then euer you were, when you shall intreat for our aid, the which now you doe ingratefullie forget. In like sort you must not alleage that you haue paied your obligation vnto *Alexander*, for wee know verie well that you neuer had lesse means to doe it then at that time, and although you should trulie haue paid it, yet were it of no import, nor anie satisfaction vnto vs: for you neither ought it vnto him, nor had hee anie lettet of attorney from vs to receiue it; hee might then verie well deliuer you your obligation, but yet he could not forgiue you the debt whereunto he had no right at all: determine then you Athenians to satisfie vs by faire means, if you will not haue vs to imploie both our owne and our friends forces, together with the helpe of the gods the iust iudges of your iniquities.

Declamation. 34.

Of him that is in trouble for accusing a man of crime, for which he is committed to prison, and there dieth.

A Man accuseth another for an offence, the partie accused dieth in prison whilest the informations are in making, the accuser cannot sufficiently proove his accusation. Whereupon the kindred of the accused doe require to haue the accuser punished with such punishment as the crime deserued, wherwith he accused the other. And they say:

TRulie the weakenesse of man is such, as euerie one esteemeth his owne miserie more great, and lamentable then he doth another mans: but what is he which can saie that we passe the bounds of reason, when we saie that this our kinsman deceassed, is worthie to be greatlie lamented; And that he which is the cause of his death deserueth most seuere punishment? seeing that he hath not onlie abridged his daies, but that which is worse, hath endeuoured to cause him to die most shamefullie; especiallie to the great preiudice of his poore familie, and all his linage: and his purpose hath not failed in anie sort, seeing that the poore man is dead in prison, although he neuer once deserued to come into the same. And it is not to be thought a smal matter to impriſon a man, seeing that in Athens those which died in prison could neuer be buried in the sepulchre of their ancestors: as if they would thereby inferre, that they which died in such a place, might stain the tombes of those that died with honor and reputation of vertue: and the same custome is yet vsed in sundrie most famous cities, as amongst others at Paris, the chiefe cittie of France, where they doe obserue this law, that he which but for debt onlie passeth the wicket of a prison, shall neuer after be capable of anie office or

other publicke promotion: how much more then for suspition of crime? There is nothing more apparent, then that this poore man seeing himselfe in such disgrace, died euen for verie greefe; & the wicked wretch that hath accused him is yet liuing in health: but let vs see what likelihood there is in his accusation, seeing that yet after the death of the accused he cannot proue his saieng? I maie therefore now saie, that he could not be suffered to alleage anie reasons for his own defence neither might take anie acceptions against the witnesses, nor yet be allowed openlie to prooue his innocencie, but with the least suspition that might be he should haue ben constrained to abide the sentence of condemnation. Be you assured, O you righteous Iudges, That this accusation proceedeth by the instigation of diuers malicious persons, who if need had ben would likewise haue serued for witnesses against him: but their malice or ill will ending by the death of this miserable man, they doe also forsake this vngracious fellow in his greatest need. Such is the iust iudgement of God that the wicked doe oftentimes perish euen by their owne wickednesse: but for all that, their offence is not anie whit diminished, neither is this poore dead man alone, but his distressed widdow, children, and all his kindred (vnto whom he was a true friend) anie iot the lesse harmed: wherefore it maie well be said that this lewd forger of vntroths, hath murthered both this man here, and ouerthrowne the others: yea and some are yet likelie to die for want of his life that now is dead: I meane the poore children, and the miserable widdow. Then what gibet, what sword, what halter, what wheele, or what torments are sufficient to punish thorowlie this execrable wretch, which is the cause of so manie mischiefes?

chiefes? For first he hath gone about to prosecute his death, and next he hath indeuoured to defame him: alas he is dead, and reputed for infamous by those which haue heard his accusation, and not afterwards knowne his innocencie: but manie seeing him no more, will yet thinke that there was fauour shewed him in causing him to die in prison as a malefactor, vnlesse this abhominable fellow as a publicke spectacle, doe not possesse the same place whereunto he pretended by his false accusation to bring the innocent; consider then you iust Iudges as well the miserie of the dead and his allies, as the execrable iniquitie of the false accuser, and doe you gaine as much fauor at the hands of God, and praise in the world by your iust iudgement, as he hath gotten sin and infamie by his wickednesse.

The Answere of the accuser.

THere is nothing more true then that I haue iustlie accused him, whom I know not by what death he is depriued of that due punishment which he deserued, wherfore the Prouerb may be trulie verified by him, which saith, That the gallows is not so much made for the theeues as for the vnfortunate; for if he had not ben dead, the witnesses of his iniquitie would haue proceeded as they ought, who as mine aduersaries saie, doe forsake me in my need: yet not for those reasons which they alleage, but because they are corrupted as well by the bribes of the widdow and kindred of the malefactor, as also by the importunate requests and threats of others more mightie then they: for such is the miserie of our age, that men are now more easie to bee corrupted then euer they were:

moreouer, I cannot but ſuſpect that his kindred fearing leaſt the truth ſhould come to light, haue poiſoned him in priſon, yea and it maie be by his owne conſent; doubting that although all the witneſſes might be verie well corrupted, yet if I my ſelfe would haue ben bound vnto the racke againſt him, to haue prooued to his face that my accuſation was moſt true. I was not then the cauſe either of his impriſonment, his diſcredit, nor yet of his death; but his offence was the occaſion of all: yea and by his death he hath depriued me of the means to prooue the ſame, thereby to bring my reputation in queſtion: and that it is ſo, if anie of theſe ſtout fellowes my aduerſaries (who now thinke to face me out at their pleaſure) will maintaine the innocencie of their dead kinsman againſt me vpon the racke, I will not onelie there aduenture my credite, but alſo my life: the like will I alſo doe againſt the prowdeſt of thoſe witneſſes, who being corrupted with bribes are become dumbe. But let anie one ſhew me ſome reaſon whie I ſhould accuſe him wrongfullie; ſeeing that twixt him and mee there was neuer anie malice, quarrel, or other occaſion: whereby it may clearelie appeare, that the true and onelie zeale of iuſtice inforced me to accuſe him, for otherwiſe I had no reaſon to procure ſo manie, and ſo mightie enemies againſt me. To conclude, by the foreſaid reaſons it maie appeare, whether he himſelfe hath not ben the cauſe of his owne miſchiefe: therfore none but himſelfe deſerueth to be blamed or harmed for it.

Declamation. 35.

Of the ſonne of a bondwoman which would diſinherit his brother.

The

THe law of bondmen or slaues is yet in Spain, that those which haue bought them (be they Christians or no, they may kill them) or make them doe what they will. Whereupon it chanced that a man bought a maiden slaue, and hauing lien with her, shee bare him a sonne: some few daies after shee died; wherefore the foresaid man bought another bondwoman to nurse vp his sonne, and he did so much also with her, that shee likewise brought him forth another sonne; shee liued with him and ruled his house, till that the children were great, and that the father happened to die, who by his Will appointed that the eldest brother should part the goods, and the yoongest should chuse. He made no mention at all of the woman, so that she still remained a slaue: and the eldest sonne tooke occasion thereby to defraud his brother of his inheritance or pretended patrimony: for to make his partition, he placed the mother of his brother on the one side, and the goods on the other, saying; chuse take thy mother and leaue me the rest of the goods, or take the goods and leaue me thy mother: the other seeing this extremitie would not chuse, but accused his brother of deceit or punishable couſenage, saying:

THe law commandeth, and the Will appointeth, that thou oughtest to part, and I ought to chuse; but thou neither hast parted, nor yet can I chuse; for the dutie and loue which I beare vnto my mother, compelleth me not to leaue her, and especiallie at the discretion of so wicked a man as thou art, seeing that thou inforcest me to three extreames, the one is to forsake my mother, or to disherit my brother, or lastlie to compell mee and my mother to liue continuallie in pouertie. Great is thy malice to inforce mee to become

as

as wicked as thou art; calleſt thou this a partition, to place all the care on the one ſide, and all the goods on the other? My mother is growne old in the keeping and increaſing thoſe goods which thou wouldſt vſurpe, and now being weake and vnprofitable, thou wouldſt haue her to die for hunger with me, or els that ſhe ſhold abide in extreame miſerie at thy diſcretion: doeſt not thou know that thou art the ſonne of a bondwoman as well as I? Yea, and that thy mother neuer got thee anie good toward houſhold? but my mother gaue thee ſuck, and nurſed thee, what ingratitude can then bee more great then thine? Make ſuch a partition at the leaſt as I maie remaine without blame in the chuſing, and yet not quite without liuing. If deceit or puniſhable couſenage is diſtinguiſhed by taking from any mā that which is his, then thou doeſt worſe, for thou not onlie leaueſt me nothing, but thou increaſeſt my miſerie: this is not the firſt time wherein the deceiuers doe ſeeke to cloake or coulor their deceits with ſome law or ſtatute, vnhappilie wreſted, but I hope that the Iudges will haue a reſpect vnto my integritie, and reprooue thy deteſtable iniquitie.

The Anſwere.

I Haue parted better then thou canſt chuſe, wherfore there is no abuſe in the partition, but in the election; For on the one ſide, I doe ſet thee riches, and on the other ſide immortal honor, for louing thy mother beſt, which ſhall ſerue for an eternall memorie and glory. How manie are there that would buy ſuch a felicitie with the price of their liues? As *Curtius*, who for the good of the Commonwealth

leaped

leaped headlong into a burning gulfe: *Sceuola* burned his hand because he missed the killing of *Porcenna*. *Horatius* fought alone against the whole armie of the Tuscanes, and defended the bridge which he caused to bee broken downe behind his backe, *Hercules* and *Alexander* fought for glorie, not onlie against men, but also with lions and other beasts, why wilt not thou then gain this glorie, when thou maist obtaine it without anie danger of thy person. Lastlie, seeing that profit and honor cannot goe together, and that thou shunnest honor, leaue it to me, and take thou the profit. I had rather haue the renoune to loue my stepmother better then thou dost thine owne mother; then to haue all the goods in the world: moreouer, he carrieth away no small portion of the patrimonie, which shall haue her who hath long time gouerned the whole as thou confessest: I am of the mind that our father left her still a bondwoman, to the end that thou shouldst haue no other thing but her, or at the least that by the same it might bee knowne which of vs is most worthie. I doe not say that I will not giue any other thing vnto thee, but I would first see if thou deseruest it, and that thou mightest also acknowledge my liberalitie: but as for the Iudges they are too righteous to force the laws, and to alter the last Will of our father.

Declamation. 36.

Of Simon *who put himselfe into prison to redeem his father thence being dead, afterwards how he slew his wife being daughter vnto him that had made him his heire, and paied his debt.*

The

THe law saith, that if anie man take his wife in adulterie, hee may kill them both and not offend the law. Whereupon it chanced that a noble Senator named Milciades a man of honest reputation, was through malice accused for some offence, and condemned to a great fine of monie, so as not hauing wherewith to pay the same, hee was imprisoned and there dieth: and because the law commanded that those which died in prison should not be buried els where but in the same prison, vnlesse anie man paied his debts: Simon the sonne of the deceassed Milciades, yeelded himselfe a prisoner in his fathers place, to the end that hee might bee buried with his ancestors. Hee remaining in that sort a prisoner without anie means or hope euer to come foorth, one named Callias a man verie rich, but of bad reputation, offered to pay his debt, and to make him his heire if he would take his only daughter in marriage; Simon consented thervnto, he was deliuered, and married with the daughter of Callias: within a while after hee tooke her in adulterie, he therefore causeth Callias to be called, who intreateth for his daughter that could not denie her fault. Simon slew her in the presence of Callias, who afterwards accused him of ingratitude, which amongst the Athenians was a punishable vice.

The accusation of Callias.

I Had made thee double bounden vnto me, therefore is thy ingratitude the more manifest; I did redeeme thee from prison, where thou shouldest haue rotted, and being poore, I made thee both my sonne in law, and mine heire: I do affirme, that thou hast induced thy

wife

thy wife to commit adulterie, that therby thou mightst haue an occasion to kill her, wherefore thou hast not kept her as thou oughtest, and thou hast not onlie suffered her to fall from her former manners vnto vice, but thou hast likewise furthered her therein, and when occasion serued, thou hast not failed to rid thy selfe from her to our great preiudice and dishonor: and thou hast further showne tyy crueltie in calling to the father to behold the slaughter of his daughter, to the end that he might alwaies carrie this greefe, that he had been both an eie witnesse of her miserie, and that he was reiected or refused of his request by him whom he had succored and redeemed from extreame miserie, before he was therevnto intreated: and neuertheless being ashamed to bee sonne in law vnto the man that had so greatlie bounden thee vnto him, hast caused the bodie, & soule, and renoune of his daughter to be lost; if then one alone ingratitude is punishable, what punishment shall be worthie for thy infinit vnthankfulnesse ioined with an extreame crueltie.

Simons *Answere.*

THe shame of thy daughters adulterie was more irksome vnto me then anie prison, wherefore I haue likewise vsed that instrument which hath by the law beene giuen vnto me, not for anie desire that I had to displease thee, to rid me from thy kindred, or to kill thy daughter, but to reuenge her shameless immodestie, & to diminish my discredit. If thou hast released me from prison to the end that I should be base minded, thou hast lost thy monie, because thou diddest not aduise me thereof before hand, for I should surely haue told

told thee that as a noble heart could neuer be changed, so also could it neuer endure a reproch: alasse the difference betwixt my fathers disgrace and mine is, that his ended in comming dead out of prison, and mine but began in comming aliue forth of the same. *Milciades* hath had the onlie honour in the Common-wealth to haue beene redeemed being dead by his sonne liuing, who afterwards being redeemed aliue by another, to his great misfortune, was constrained to displease his redeemer, because he required an vnlawfull matter. I will neuer be vnthankfull when thou shalt request a good turne as honest as that which I haue receiued of thee, but thou intreatest me to let the adulterers escape; what could I do more if I had had my hands yet bound fast in prison, where at the least the dishonour should neuer haue ben imputed vnto me. Wouldst thou then thinke to keepe me so bound, as I should be therby hindered from doing but my dutie? Both of vs in doing a good turne, haue receiued a farre greater; I in taking my father foorth of prison dead, and thou in fetching me forth aliue, for the same hath beene vnto vs a great honour, and it would not bee lawfull for vs to suffer adulters, without the losse of that honor which we haue gotten: moreouer, it behoueth him that hath ben a true and a faithfull sonne vnto his father, to haue the like children; my father was trulie worthie to haue such a sonne as I was, so also was I not vnworthie to haue the like, which I could neuer haue had by thy daughter for whom thou hast bought me. Thou saist I haue brought thee forth of prison, I answere that I willinglie put my selfe therein, and I will neuer beleeue that euer I got so great credit by being redeemed from thence by thee, as I haue gained honour by entring therein for my father,

of mine owne accord: I dare say that thou diddest neuer redeeme me thence for mine owne sake, but onely to honour thee and thy daughter, double vnworthy of so great honor, which was the cause also that she could not long continue in the same, wherein I desired not to imitate her: likewise I can neither be reprooued, condemned, nor punished, hauing done nothing against the law. That is a good turne or a fauour which tendeth onlie to the profit of him that receiueth it; but when he that doth it, looketh also for some commoditie thereby, the fauour loseth both his force and name: euen so is thine, so that I am in no sort beholding vnto thee, and so consequentlie thou canst not twit me with ingratitude. If *Virginius* slew his daughter because hee would not see her forced to bee vnchast, what oughtest thou to do vnto thine, who had neuer anie desire to be chast at all.

Declamation. 37.

Of him who is forsaken of his father for relieuing his ouncle, who also doth afterwards forsake him for succouring his father.

TWo brethren are enemies; the one hath a sonne, the other hath no children, neuertheless by misfortune he becommeth poore, his nephew taketh his fathers goods secretly, and releiueth his ouncle therewith, the father perceiueth it, and forbiddeth him to doe so any more, yet he ceassing not from releeuing him, his father disheriteth him, and driues him out of his house, he goeth vnto his poore ouncle, who adopteth him for his

son,

son, and at the last chansing by succession to be wealthie, he maketh him his heire. In the mean season the other brother falleth likewise into pouertie, whervpon his sonne doth secretly sustaine him with his ouncles or his adopted fathers goods, who likewise forbiddeth him, and lastly driueth him away and disheriteth him for the same cause, whereunto the nephew opposeth him, saying:

YOu cannot disherit me for the same reason which hath induced you to adopt me, for if it were well done to sustaine you, it is yet a better deed to succour my father. Charitie is commendable towards all men, wherefore then would you alone vsurpe it? the more miserable that a man is, the more requisite it is to be charitable vnto him, how much more then vnto him that is inforced to hope, and expect for releefe at his enemies house, by the meanes of such a one whom he hath driuen from him. You say that heretofore he forsooke me. I answere that the example of another man his vice, is no excuse but a great error: do you not know that euerie prosperitie is vncertaine? What is he that hauing seene *Marius* lying by the sea side vpon the reeds, would euer haue beleeued that he had ben Consull of Rome, or that euer he should so be again? What? doe you thinke that he which is most happie, need not to stand in doubt, and that he neuer may hope to be vnfortunate? Your selfe serues for an example of the contrarie: consider then that he which beggeth reliefe of you is your brother, which hath craued of his brother, receiueth it by the hands of his sonne, which is he that taketh naught of yours, but of the inheritance which you haue alreadie giuen vnto him; it is your nephew or adopted sonne which giueth, because he will not suffer

his

his owne father to perish with hunger, and by that means be adiudged vnworthie of your adoption. I doe not ouerthrow you, but I feed one onlie old man, and I am vnto you in steed of manie seruants. All the world should perish if wrath were not by mercie appeased. I am the onelie sonne which is alwaies tossed betweene two fathers, and still forsaken of the richest, but I take God to witnesse, that leauing you rich, I will depart vnto the dores of another, shewing vnto euery one him, for whom your disherit me; although I cannot be disherited, for hauing done that whereunto the law both bound me and also constrained me, what a matter were it if you should forbid me to weepe when I see a man in miserie? Our affections are not in our owne power. Manie lawes and customes vnwritten, are farre more certaine then those which are, of which the law of nature is most infallible.

The Answere.

ALl that which thou hast alleaged is rather a boasting, then anie acquitall or excuse. Touching my feare it is iust, for I ought not to take such a one for mine heire which is vnthankful, or rather mine enemie, wherefore I doe forsake thee, for although thou beares no mallice vnto him that hath done me wrong, yet doe I hate him that hath done thee iniurie; so great was my affection towards thee: thou wert no more his sonne being not onlie forsaken of him, but also adopted by me, it was of me that he should haue craued, not of thee. What art thou that wilt appoint a law vnto thine ouncle, thy supposed father, and thy benefactor? we haue not remitted our controuersie vnto thy iudge-

ment, for we haue God, the lawes, and the Magistrates for iudges.

Declamation 38.

Of the Elians who did cut off the hands of Phidias, *after he had made the Image of Iupiter Olimpus.*

THe law amongst the Grecians was, that whosoeuer committed any sacriledge, should haue his hands cut off: Wherupon it happened that the Elians required and intreated the Athenians to lend vnto them Phidias *their grauer or caruer of Images, a man most excellent in that art: whom they did lend vnto the said Elians to make an image of Iupiter Olimpus, vpon a condition that they should restore* Phidias *againe vnto them, or one hundred talents (which are threescore thousand crownes) for him: the image being made, the Elians doe pay* Phidias *his wages, and afterwards affirming that he hath stolen gold forth of the temple, they cut off both his hands, it may be through malice, because he should neuer make anie image so faire againe, and so they send him so maimed home againe vnto Athens, saying that they are quit of their promise; but the Athenians demand the hundred talents, and say:*

WE can no more bee serued by *Phidias* in anie sort, for he was onlie able to manifest his worthinesse, so long as one might see his workes: when he went vnto you he had hands, whereby hee made the Image of Iupiter, it is you that haue committed

ted sacrilege in cutting off his holie hands, your god was the first that did behold the innocent blood of this workman, wherefore he shall be a witnesse against you all: alasse poore *Phidias* some men are releeued by their cunning and skill in their miseries, but they haue beene the causers of thy miserie. Doe you thinke that we doe account him to bee receiued being without hands, whom you did require of vs because of his hands? We hauing lent you such a one as could make gods, you do restore vs such a one as is not able onlie to worship thē; Are you not ashamed to offend Iupiter with such sacriledge? It is the man indeed: but the workman is lost, you doe not restore *Phidias* at all, but a continual griefe, and a desire to haue him, a greefe to haue him as hee is, and a desire to haue him as he was; his hands which were woont to make the gods, cannot now bee held vp to intreat men. Alacke Iupiter was so rare a peece of worke, as the Elians were desirous it should be the last, to the end that they might gaine that glorie to haue the last and chiefest worke that euer *Phidias* made: wee lent you the hands, we require the hands againe. You make your selues accusers, witnesses, and iudges, whereby your falshood is knowne, for it is not like to be true that he (who neither was couetous nor tooke pleasure in anie thing but in his art, wherewith hee gained more then he would) should be a theefe: moreouer, he which made the gods would haue disdained to steale that which was hallowed vnto them, wherefore we do call those gods which *Phidias* hath made, and those whome he might yet haue made, against you; vnlesse you satisfie the contract: for we will confesse that we haue receiued *Phidias*, if anie do sweare that we may be serued by him, and you cannot denie but that you haue deceiued vs,

but assure you, that we will be reuenged of you therefore.

The Answere.

WE had gold, iuorie, and other holie things wherwith we determined that *Phidias* should haue made vs diuers other Images, for the which cause we did well reward him for the first: we did request him of you, to the end that the gods might be serued by him, and not to be robbed by him; but seeing the contrarie, wee haue iudged that it is no lesse fit to reuenge the wrongs done vnto the gods, then it is to pay their seruices. Wee are not the cause that *Phidias* hath lost his hands, but it is his offence, and the law: require of them then your amends, or els complaine of them and not of vs, who haue in all thinges done what we ought, or if you will vexe vs wrongfullie for *Phidias*, we will call vpon those gods whom hee hath offended to helpe vs, hoping by their aid to destroy those which would hurt vs.

Declamation. 39.

Of the son that defended his mothers cause, who being distraught, did wrongfully accuse her selfe to be guilty of sacrilodge.

THe law saith, *that whosoeuer doth voluntarilie confesse to haue offended the law, without anie other witnesse is worthie of punishment. Wherupon it chanced that a certaine woman (hauing in one day lost her husband and two of her sonnes*

sonnes by some violent death) did fall into such dispaire therefore, that she hanged her selfe, but her third sonne happened to come before she was throughly strangled, who cut the rope asunder, and after he had gotten her to life againe, hee carried her vnto the Temple, to the end that the respect of a place so holy, might keepe her from doing her selfe anie hurt, then he went forth to buy some sustenance to comfort her. In the meane season it happened that the officer came in there to search for church robbers, this woman being desperate, confessed that she had robbed the Temple, whereupon the Magistrate according to the law would haue her punished, but the sonne in the meane time happened to come, who gaiinsaied it thus:

THat which is fallen out in our house, ought to protect my mother being cõdemned here; wherefore I knowing the matter, it is lawfull for me to examine her my selfe of the offence in your presence, which she wrongfullie taketh vpon her: moreouer, it ought to bee considered, that the law saith, that those which confesse a crime, shall be condemned. Now to confesse, is to aduouch the accusation for feare of the racke or other tortures, but to accuse her selfe, is not onlie a doubtfull confession, but a sure, euident, and most manifest desperation: and that it is so, it must be known of her how, and when shee commited this sacriledge? Or where she hath bestowed that which she stole? Trulie she cannot prooue her saying, but she thinketh that she committeth sacriledge in suruiuing after the violent death of her husband and children, and no other crime can be found in her; wherefore in her own opinion her saying is true, but by the law she is not punishable, seeing that if I had not ben, she had been dead alreadie by her owne hands. It behoueth me to beseech the iud-

ges to be mercifull to the offenders, but I had need not onlie to intreat, but alſo to compell my mother to take pittie vpon her ſelfe; what need you to doubt if a woman ouercome with ſorrow deſireth death, when a number with ouer exceeding ioy haue died ſuddainly? Whereby it plainelie appeareth, what weakeneſſe remaineth in the female ſex, who therefore are not to be beleeued, nor receiued for witneſſes. But tell me good mother? Why doe you not beare your loſſe patiently, ſeeing that you ſee the gods themſelues doe loſe that which is conſecrated vnto them in their Temple: Alas worthie iudges, you doe well know that the afflicted doe more feare, honour, and reuerence the gods, then thoſe that are in proſperitie. How then ſhould this woman, more wofull then any other, preſume to offend them with ſacrilege? What need hath ſhe of riches, that deſireth to liue no longer? Neither hath anie children to leaue them vnto, but me, who would redeeme my father and brethren from death with thoſe which I haue yet of mine own, me I ſay, who haue and do loue my mothers life better then her wealth. Alaſſe no want of riches, but want of heires to poſſeſſe them is cauſe of her miſerie. You may ſay that ſhe being angry againſt the gods for her loſſe, & deſirous to be reuenged, hath committed this ſacrilege, there is nothing more vnlikelie, for her courage is abated with griefe, and ſhe attributeth her miſhap vnto her ſelfe, and not vnto the gods, neither is it the leaſt miſchiefe that fortune doth vnto vs, when being our greateſt enemie, ſhe doth not onlie make vs miſerable, but alſo ſuperſticious, in ſuch ſort then we beare the greateſt reuerence not vnto the gods alone, but chieflie vnto inconſtant fortune; all this is prooued by her, becauſe ſhe had rather hurt her ſelfe,

then

then offend the gods, but if otherwise it were, far more easie had it ben for her to haue burned the Temple, thē to haue stollen the treasure locked vp vnder so manie keies, wherefore you ought to waigh al the circumstances together, and to be verie carefull that the law and the penaltie thereof, which serueth for a terror vnto the wicked and malefactors, bee not inflicted vpon the innocent. For he committeth a greater offence which punisheth the innocent, then he doth that pardoneth the malefactor.

The Iudge answereth.

THere was neuer anie sacriledge that could be hidden, for euerie tongue, and especiallie the malefactors owne toung is readie to reueale it, as by this woman it appeareth that accuseth her selfe, prouoked thervnto by the wrath of the gods, who for her offence doe pursue her: wherefore it is reason that I appoint her to be punished, vpon whom the gods disdaine to shew their miracle in consuming her with lightening, as if she were vnworthie to die by the hands of any god, but they all together doe pursue, and driue her to worke her owne confusion by a most shamefull death, the which by her being perceiued, she rather desired to die by her owne hands, but they haue not suffered her, to the end that the wrong done vnto their Deitie, might be publickly reuenged, and that she might serue for an example vnto all the world, so that thou wert sent by them to cut the cord asunder: but doest thou thinke that a church robber may die anie other way then by iustice? She hath done as much as in her lay, to conceal and not to confesse her offence, yea, and that by the

making of herſelfe away, yet ſhe could not, but in ſpight of her, ſhe was conſtrained to be her owne accuſer, and to require her deſerued puniſhment, which is no ſmall miracle. Therfore if thou deſireſt to know her offence? It may onlie be anſwered that ſhe hath committed ſacriledge, the which ſhe confeſſeth and aduoucheth. If thou demandeſt why ſhe did it, I ſay that if ſhe committed it before the death of her children, it was to enrich them, if it were after their death, it was becauſe ſhe would be reuenged of the gods. Where thou ſaieſt that it had ben more eaſie for her to haue burned the Temple, in that thou ſheweſt thy ſelfe to be her ſon, but farre more wicked then ſhe, if it were not rage, and ouergreat deſire of reuenge, that ſtaied her from making her choiſe, according to her wicked intention? Thou wouldeſt know where ſhe hath beſtowed that which ſhe ſtole? I beleeue that ſhee hath giuen it thee, and that thou wouldſt ſaue her life, to haue ſome more by the like means. Neuertheleſſe, we will puniſh her alone that confeſſeth the fact, vntill that thy ſinnes doe induce thee vnto the like confeſſion, or that thou bee conuinced by more apparent teſtimonie, and in ſo doing we ſhall appeaſe the gods, fulfill the laws, performe our duties, and cleare our conſciences, which commandeth vs to root out the wicked forth of the Commonwealth by publike puniſhmẽt, becauſe there is nothing that doth better maintaine the world in equitie, then rewarding the good, and puniſhing the bad.

Declamation. 40.

Of the wife that would not forſake her husband, although he went about to procure her death.

It

IT happened that a man and his wife made an oath vnto each other, that if one of them chanced to die, the other should not suruiue aboue three daies after. Vpon a certaine time the man went vpon a long iourney, and being on his way, he sent a false message vnto his wife which certified her that her husband was dead, she to keepe her promise, threw her selfe downe from the top of her house, neuertheless she died not with the fall, wherefore her father caused her hurts to be healed, and kept her vntill certaine newes came how her husband was not dead, but had sent her word of his death, only because he was desirous of his wiues death. Whereupon her father would haue cõpelled her to forsake her husband, she would not, he renounceth her for his child, and disheriteth her, for which she complaineth, saying:

O Immortall God, which by thy prouidence gouernest all mankind, thou hast not permitted that this fact should be for our hurt or destruction, but onelie for a triall and proofe of the loue which I beare vnto my husband, & yet my father would seperate those whom death could not put asunder: neither is that which I haue done to be thought strange, seeing that I had both cause to doe it, & the example of diuers women which haue done the like, to allow it; for some haue burned themselues with the dead bodies of their husbands, others haue by their death redeemed their husbands life. I am therefore happie to bee accounted one of the same number being yet liuing, and my husband safe and sound, who it may be would trie whether I were worthy to be beloued of him, and now knowing it, he will

will loue me better then euer he did. The loue which is ouergreat is cauſe of ſuſpitions and iealouſies, and therefore my husband was deſirous not onelie to trie whether I did not loue ſome other, but alſo whether he was beloued of me, and I am verie glad that with the danger of my life hee hath found me ſuch a one as he deſired. What wrong ſhall I then both doe vnto my ſelfe, and vnto him, if when I ſhould reape the fruit of my loialtie and moſt conſtant loue, I ſhould depart from him, God forbid I ſhould ſo doe. Moreouer, I ſhould neuer bee well able to liue without him, for it was partlie the cauſe that I threw my ſelfe headlong down, becauſe I would not languiſh without the hope and comfort of his preſence, which I ſhall now poſſeſſe with more pleaſure then euer I did. To conclude, I cannot leaue him, and if I could I would not, wherefore it is loſt labour to ſpeake any more thereof.

The fathers Anſwere.

IT cannot be denied but that he which went about to procure my daughters death is mine enemie, wherefore there is no reaſon that ſhe which loueth mine enemie better then her owne father, ſhould be my heire: thou ſaieſt I cannot, nor I ought not to forſake him. Why cannot, or may not ſhe ſo doe, that cannot onely determine to die, but to be her owne butcher? Hauing no ſooner heard a fained report of the death of thine enemie, thou ſoughteſt thine owne death in good earneſt, if thou couldeſt endure his abſcence being gone on a long voiage, when thou haddeſt occaſion to loue him, why canſt thou not now doe the like hauing iuſt cauſe to hate him? Thou art quite freed from all former

oath

oath or promiſe which thou haſt made him, in ſhewing the deſire which thou hadſt to accompliſh that which he cauſed thee to ſweare, thereby not onely to abuſe thee, but to make thee die. Thou ſaieſt that all is fallen out for the beſt, I know not how that ſhould bee, for as no bad act can be tearmed the author of any good, ſo ought we not to iudge things by the euent, but by the intent; hardlie can hee euer loue thee, who as oft as hee ſeeth thee, ſhall be either aſhamed of his fact, or aggreeued that it tooke not ſuch ſucceſſe as he wiſhed: likewiſe the triall of loue is not made by a danger ſo euident.

Declamation. 41.

Of the prodigall ſonne who being forſaken of his father, redeemeth his brother whom his father had neglected.

THe law was ſuch, that when the children were thirtie yeares of age, they might require their father to giue them their portion. Whereupon it chanced that a man had two ſonnes, the one of them was prodigall, and the other a good husband. He gaue the prodigall ſonne his portion (who demanded the ſame by vertue of the law) and did wholy diſherit him from anie of the reſt of his lands or goods: the other, who was the good husband, made a voiage by ſea, and fell into the hands of Pyrats, he writ vnto his father for his ranſome, his father was deafe and could not heare on that ſide: Whereupon his prodigall brother redeemed him, who when hee was returned home made his ſaid brother his heire, in recompence of his releaſe by him, wherewith the father being diſpleaſed, diſinheriteth the

thriftie

thirstie son of his patrimonie, who withstandeth him thus:

ALl those which doe know what I haue done, doe praise me for it, except you. How true an example of pittie and brotherly loue hath my brother shewed, when sailing to seeke me, hee hath aduentured great dangers, trauailing ouer many lands, and seas, neuer giuing ouer his enterprise, vntill he had brought mee home againe vnto my fathers house: wherefore if you did loue me as both my obedience, and seruices deserue, and as nature doth bind you, you could not denie but to haue receiued at his hands seruice most acceptable; And in recompence thereof to haue acknowledged him for your heir, as I haue done: for if for his prodigalitie you did disherit him, he hath shewed himselfe both towards you and me not to bee prodigall, but indeed verie liberall. If you did disher it him because he was vnprofitable, hee cannot now bee tearmed so, Seeing he could make so long a voiage, and when all fatherly loue was in you forgotte, he yet could performe the dutie both of a good sonne, and a better brother. You say that age hindered you from comming to redeeme me at the beginning of my captiuitie, what man is so old that could not saile so small a way as I was from you: wherefore seeing you did it not, you ought to thinke well both of him and me, for he hath restored me vnto you, and I would also make him yours. If you disherited him because hee was wicked, hee is no such man, seeing that he hath ben so charitable towards his father, brother, and vnto all those that loue vs. Lastly, as I cannot compell you to giue me more then the law appointeth, so cannot you take that from me which you giue me not, but it appertaineth vnto me presently after

your

your death, euen as you receiued it from our grandfathers, seeing that I neuer offended you in anie sort, vnlesse you will account, the dutie which I vse towards your sonne and my brother for an offence.

The fathers Answere.

I Am constrained against my will to disherit you both twaine, seeing that you both take pleasure in displeasing me, wherfore I must imitate the phisitions, who in extreamest diseases vse most dangerous remedies: and as the Chirurgions do oftentimes cut off the members to preserue the rest of the bodie, so must I seperate my sonnes from me, who are agreed together to anger me: thou wouldest haue mee take him for my heire, who hath tried the law against his father, for his patrimonie; what will not hee attempt then to abridge my life, for the rest of my goods? But thou must consider that the law doth allow thee only for a minister or administrator of the patrimonie, but not for lord thereof, and therefore thou canst not adopt thy brother. For the same law which condemned me to giue him his part, restraineth thee to adopt him, seeing that hee is aboue the age of thirtie yeares: for children also and such as are in their minoritie ought to be adopted; moreouer he is thy brother no more, seeing he hath let to bee my sonne. But how canst thou adopt anie one for thine heire, seeing thou art yet belonging to me? Or if thou art not mine, how canst thou inherit my goods? How wouldest thou haue power ouer thy brother, seeing thou wilt not suffer mee to haue the like ouer thee? If he haue deserued anie good at thy hands, thou oughtst to intreat me for him, and not to vse your owne authoritie.

ritie. Want of means and oportunitie hath hindred me from redeeming thee, and thou wouldeſt againſt my will giue that vnto mine enemie, which in ſpight of his teeth he was inforced to leaue me. O worthie Iudges, I beſeech you ſee vnto what extremity I am brought, ſeeing that one hath taken away part of my patrimonie, and the other would that hee ſhould haue the whole.

Declamation. 42.

Of the husband who gaue two children vnto his wife without telling her which of them was her owne.

A Certaine woman died in childbirth of a ſonne, whom the father ſent to nurſe into the countrie, and within a few daies after hee married a yoong wench which he had alreadie got with child, ſhee about a month after did alſo beare him a ſon: whome he in like ſort did ſend abroad to be nurſed, handling the matter ſo well, that not any beſides himſelfe did know which was the firſt or the laſt child. About three yeares after he made the children to be brought home to his houſe, and would not tell his wife which of them was hers. Moreouer, they were both of them ſo like the father, and ſo little like the mothers, that ſhee could not that way diſcerne them, whereupon ſhe accuſed her husband of bad vſage, who denied it thus, ſaying:

WHerefore doeſt thou weepe for thy child, ſeeing thou art ſure to kiſſe him and ſee him euery day, if thou

thou wilt, I would long since haue tould thee which of them is thine, if I had not knowne that thou art as desirous to shew thy selfe a stepdame to the one, as a mother to the other. Consider only that the one is thy son, and the other is his brother, and thy husbands son; loue them then for their owne sakes, or els neither loue nor hate them: but I perceiue that whilest thou desirest to be a mother to the one, thou art a stepdame to them both. If thou doest constraine me to tell thee, neuer imagine that I will tell thee the troth, wherefore I will not deceiue thee as a mother, but as a stepdame. Nature her selfe determined that they should be like each other, to the end that they should be both thy children. Thou mightest very well know which of them is thine, if the desire which thou hast to hate the one did not hinder thee, wherefore behold the one or the other with the eie of a mother in law, and it may bee the same will bee thine owne. Long since should I haue told thee the troth, if thou hadst ben lesse importunate to enquire it. I will that thou alone shouldst inioy this benefit, either to haue one sonne in law without being a mother in law, or els to haue two children without hauing suffered for the birth of more then one of them. When they are of more age, marke which of them will be more obedient vnto thee, and the same shall bee thy sonne, or at the least shall deserue that thou shouldest so account him: and giue ouer henceforth to bewaile thy sonne, seeng thou art not onely certaine that thou hast him, but also that thou canst not lose him, vnlesse they doe both die.

The wiues answere.

YOu doe me great wrong, for how can my son loue, honor, and obey me aright, if hee be not sure that I

am

am his mother, ſo that deſiring to make me a mother of two, you make both the one & the other to be my ſons in law. You doe well know both your children, & haue the ioy thereof, but you depriue me of mine, or rather, make me partaker of nothing but greefe and ſorrow: and being willing to giue a mother to your owne, you depriue me of mine. You ſay well that I am a ſtepdame to them both, but you are the cauſe thereof, and are worſe then a ſtepfather vnto mine, ſeeing that you take his mother from him, or at the leaſt will not ſuffer him to know her.

Declamation. 43.

Of him who drunke poyſon with his wife, wherwith ſhe died, and he made claime vnto hir heritage by her Teſtament.

When Octauius, Marc Anthonie, *and* Lepidas *did part the Romane Empire betweene them, many of the Nobles were ſlaine, & others fled and were baniſhed, or els fined in a great ſumme of money paiable vnto thoſe which were appointed to kill them. Amongſt whom there was a Roman exile who was followed by his wife that was verie rich, whoſe chance was that vpon a certaine time ſhe found her husband in a ſecret place, holding a cup in his hand, ſhe asked him what he had in the cup, he anſwered that it was poiſon, and that he wold poyſon himſelfe becauſe he deſired to liue no longer in this miſerie; the wife anſwered that ſhe would not liue without him, and therefore praied him that ſhee might drinke ſome part with him: whereunto he agreed, and hauing drunken part, he gaue her*

her the reſt, the which ſhe did drinke vp, and died ſuddainly after. The husband died not: but within a ſhort while after by the means of his friends he was called to Rome again, where being arriued, he ſhewed a very plain Will of his wiues, wherin ſhe left him heire of all hir lands and goods; her kinsfolke who did verie wel know how ſhe came by her death, accuſed him for poyſoning his wife, complaining and ſaying in this ſort.

HE hid himſelfe with poyſon, becauſe he would be ſought and found by his wife, he fained that he would drinke it to make her drinke thereof, he ſaid he would die, becauſe ſhe ſhould deſire to liue no longer, He did drinke in ſuch ſort of the poyſon that he is yet liuing, and his wife dead: I would faine know then what man did euer murther his wife more manifeſtly? Or what poiſon is that which could not once kill ſo great an heire, who affirming that he would die, after he had cauſed his wife to die, did himſelfe eſcape: it is a great matter that all the reſt of the fugitiues are become poore by the late edict, and this man is made rich thereby, the others haue loſt their owne goods, and he would vſurpe the goods of another, as a reward for procuring the death of her, that loued him more then her ſelfe, and ſo much did he know that ſhe had witneſſed in his fauour: ſhe followed him when he was purſued by his enemies ſword, and vnder a fained coulor of loue he hath murthered her with poyſon. A goodly exchange, ſhe tooke his poiſon, and he her Teſtament, ſo ſoone as ſhee had drunken ſhee died: but is there anie doubt to be made of the force of the venome? Seeing it was compounded and made by the heire, who might verie well drinke part of the vppermoſt, as being leſſe violent, either hauing an Antidot verie readie, or els ha-

uing taken it before hand, thereby inciting his poore wife by deceit to drinke the bottome, where all the poison did lie, so as it might verie well be said, that hee had the drinke, and she the venome, which long before hee had prepared to hurt her alone. He did verie well know that shee would not liue without him, seeing that shee was desirous to thrust her selfe into most great dangers for his sake. If they are punished which kill their enemies in open fight, what punishment is he worthie to haue, which hath treacherously murthered his wife that loued him aboue all things; as hee ought to haue loued her.

The Answere.

MY wife did loue me in time of peace, shee followed me to the wars, and in exile in my greatest extremitie she neuer left me, saying that it was a righteous deed not to forsake him that was innocent: I had a iust occasion and was desirous to die, because I wold not be put to death by the hands of a hangman, or liue continuallie in fear of mine enemies; They which are deceitfull doe hide the truth, but I told her plainlie, that it was poyson which I would drinke, and as I neuer refused her anie thing, so also had I not the heart to refuse her this last request, and the rather, because I was sorrie to leaue her in miserie, as well for the griefe which I knew she would take for me, as also, for the anguish and trouble she should suffer to liue at the discretion of such kindred as you are, who would neuer haue cauilled for her death, if the Will had bene made in your fauour; and if she had died intestate, you would haue quarrelled amongst your selues for her inheritance.

heritance. And where you ſay that I dranke the firſt draught, it is true; becauſe I did not only alwaies vſe to drink before her, but alſo becauſe I hoped by this means dying firſt, to ſhun the greefe I ſhould ſuſtaine to ſee her die before me. Moreouer, the poyſon was not of ſuch qualitie as you ſay, no worſe in the bottome then it was aboue, for that which could not infect all the drinke would be leſſe able to infect or kill anie bodie: likewiſe I am ſure that I did drinke a ſound draught, more then the halfe. But I doe now know to my great greefe that my wife was more tender then I, wherefore ſhe is dead with that poyſon, which was not of force inough to kil a man more ſtrong. Alſo you need not demand (that ſeeing I was deſirous to die) why I would not make an end of my ſelfe when I ſaw my wife dead, for touching this point, they cannot iudge thereof, which haue not ben ſo neare their death as I was, for they know not how horrible it is in ſuch an extremitie, and eſpeciallie euery violent death, but more chieflie that which is ſlow, and draweth on by leiſure: wherefore before you can iudge rightly thereof, you ought either to haue tried this extreame point, or at the leaſt, to be as neere your death as I, who ſhall neuer be ſound againe, nor of anie long life. Wherefore it is not for couetouſneſſe that I require my wiues inheritance, but thereby to haue meanes as well to eterniſe her good renowne, as alſo becauſe I wold not ſuffer her laſt Wil to be abuſed.

Declamation.44.

Of him who hauing giuen ouer and forſaken two of his children, would not leaue the one of them with him that had foſtered them vp.

IT must here be considered, that in times past amongst the Grecians it was lawfull for such as would, either to slay their children, or to forsake them and leaue them at all aduentures; and the law was such, that if anie did find them and bring them vp, it was at the fathers discretion to redemand and take againe his child, paying for his nursing. Whereupon it happened that a father through pouerty was inforced to leaue two of his children, being twinnes, to the mercie of the world, which children another man chanced to find, and caused them to bee nursed, thinking to keepe them as his owne, for he had none. It likewise chanced that within a certaine time after, the father who had forsaken them became rich; so that he desired to haue his children again, and causing them to be sought out, he which had fostered them, came vnto him, saying that if he would let him haue one of them, he wold giue him the other, and he should chuse which of them both he would haue, the father agreed thereunto, but seeing the children he tooke them both againe. The foster father summoned the father to the law for one of them, the father defended himselfe saying:

HOw wouldest thou haue me make partition of my children with thee, seeing that I made a refusall thereof, especiallie to the mother which hath conceiued and born them? I haue begottē them both, I haue desired them both, I tooke paine for them both, they were both borne together, they were both left, or lost together, because I knew that being twinnes the one could not liue without the other, thou foundest them together, thou hast fostered them vp together,

and

and I haue found them together againe, wherfore then in the restoring should they be sundred; especially seeing fortune which once seperated them from their Parents, would neuer sunder them one from another, how could I chuse the one, and leaue the other, seeing that because I could not chuse, I did leaue them both? if the martiall law, which is the cruellest, doth not suffer that two brethren being taken in the warre should bee sundred, how doth the Ciuil law allow it in these here, who are not onelie brethren, but may well bee tearmed the halfe of one another, each of them loseth his grace and worth if he be absent from the other. I should doe a wrong in desiring thy children, but not in retaining mine: why wouldest thou haue acquaintance to sunder that, which abandoning to the world could not seperate? I would giue al for my child except my child onely, I made the bargain weeping and trembling as much as when I departed from them, for I was constrained by force and necessitie, because I could not find the one without promising the other. It is inough of the first wrong that I did vnto my children, in expulsing and leauing them through necessitie, without adding thereunto a second iniurie, which would bee in seperating them willinglie, seeing the law, my dutie, and the equitie of the iudges may be my warrantise; for euery agreement made by feare or force is nothing worth, but only those which are willingly made, or according to the lawes.

The Answere.

IF thou wilt not seperate them, reason commandeth thee to leaue me both twain, seeing thou haddest pot onely the heart to leaue them at all aduentures, but further also thou hast beene accustomed to liue without

them, but I leauing the one shall neuer be but in perpetuall greefe and anguish for the other, seeing I haue ben accustomed to haue them both, doest thou thinke that he vseth force or constraint that maketh thee a father when thou neuer hopedst to be one, I haue freed them from the danger to be deuoured of brute beasts, or to die with hunger, I haue nursed and fostered them, I doe restore one vnto thee, yea and giue thee thy choice, wherefore no man is a loser but I, although the iudges should be neuer so righteous and fauorable to my most iust demand.

Declamation. 45.

Of him which stroke his father by the compulsion of a Tyrant, whom he afterwards did slay, and requireth a reward therefore.

THe law appointed, that whosoeuer did strike his father, should haue his hands cut off. Whereupon it chanced that the King being a Tyrant, caused a man and his two sonnes to be sent for vnto his pallace, and hauing brought them vp vnto the top of a high tower, hee commanded the sonnes vpon paine to be throwne headlong downe, to strike their father, and he would defend them from the punishment which by the law was appointed; one of them because he would not strike his father, threw himselfe downe, the other did giue his father a blow with his fist, whereupon the Tyrant who did greatly fancie, and daily sought such men as were wicked, entertained him into his seruice, and loued him so deerely as he who-

ly put his trust in him: but as Treason doth oftentimes spring of too much trust, so this man took an occasion to slay the Tyrant, as well to reuenge his brothers death, and the iniurie done vnto his father and him, as also to winne honour, and gaine the reward promised secretly by the Citizens to him that should kill the Tyrant: who hauing slaine him, demanded the said reward; but the ingratefull people accused him for striking his father, for the which they wold haue his hands chopt of. Whervnto the poore father would in no sort consent, but gainsaied him thus:

I Should be more happpie if I did rather defend many malefactors, then one onely innocent: will you cut off those hands which hath slaine the Tyrant, & restored you your libertie? what doe you meane, why did you not cut off the Tyrants hands, that constrained my son to transgresse our laws, so that it was as necessarie for him to strike his father, as it was lawfull for others to rob Temples, and to rauish the Virgins and wiues. O how much doe we owe vnto those hands, by the which such crueltie is brought vnto an end, the tyrant did trust that by the same hands he might shame some, and slay others; but they haue depriued him of the means to performe either the one or the other: but how much more am I indebted vnto this my sonne, then vnto the other that brake his owne necke? For he did not that to spare his father, but himselfe, because hee cared not though I had died with sorrow, which no doubt I should haue done, if this here had done as much, and in siniting me hath he not onlie saued my life so much, as hee hath afterwards likewise preserued the Commonwealth. Alasse my poore children what great extremitie haue you both endured, by the crueltie of a Tyrant? The one hath broken his

necke, and the other to his most great griefe too was inforced to beat his father: but farre greater praises doth he deserue that hath slaine the Tyrant, then the other doth which did murther himselfe. What offence hath this my son and your protector committed? Saue only that in lifting vp his fist, and gently letting it fall againe, he fained to strike his father, who in like sort seemed as though he were aggreeued therewith, but both the one and the other did it to escape a worser mischiefe, and to performe a greater good: necessitie in all doth greatly excuse humane weakenesse, and therefore the Saguntines were not only excused, but exalted for slaying their fathers; which is more then a light stroke. His brother in leauing me at the Tyrants mercie did worse then he, who without hurting me, hath saued me. You say that hee had no respect vnto the law, I know well that the law is strict, but the interpretation is large: if one being mad chance to strike another, he is not punished: Neither yet is the little child which striketh his father condemned: For the mad man hath more need of pittie then punishment, and is rather to bee holpen then hurt; and the child hath neither strength nor vnderstanding to offend: these two points in such an extremitie are found in my sonne, for in striking me, hee endured a greater paine then I; if those women who were defloured by the Tyrant, are not esteemed vnchast, Nor those Priests, which through force or feare haue brought the treasures of the Temple vnto the tyrant, are not deemed culpable, Wherfore then should my sonne bee blamed who fained to strike his father? Thereby not only to saue his life, but to kill the Tyrant, reuenge the rauished women, and to restore both the treasure vnto the Temples, and also to purchase

free-

freedome vnto all; I did commaund him to ſtrike me, wherefore he ſhould haue ſinned more in diſobeying me, then in obeying the Tyrant therein; ſo that he hath not offended me, but ſpared me. Moreouer, the reuenge or puniſhment of a ſonnes offence againſt the father, lieth in the will and diſcretion of the father: if anie other had ſtroken me, and I had no deſire to complaine, no man could compell me thereynto, or purſue him for me, what doe you meane then by this? Seeing that he which hath giuen the blow, hath endured the greateſt griefe and hurt thereby, and that hee which receiued the ſame, commanded the other to giue it him.

The Anſwere.

THe more you defend your ſons cauſe, the more you make him culpable, for you ſhewing your ſelfe louing and pittifull vnto him, doe likewiſe ſhew, that hee ought rather to haue died a thouſand times, then to haue ſtrooken ſo good and louing a father: what doth hee then deſerue that hath ſmitten ſuch a one to pleaſe a Tyrant, Whoſe ſeruant he afterwards became? You ſay hee did it to profit the Commonwealth, and wee doubt it, for wee cannot begin to doe good, by performing a miſchiefe; and he hath offended the Commonwealth more by his wicked example, thē can well bee expreſſed: for neuer was it found before, that anie was ſo bold to ſtrike his father. If hee would not preuent his brother, yet ſhould he at the leaſt haue followed him? Who chuſed to die rather then to ſee his father ſtroken, ſo ſhould they both haue beene an example of pittie, where now one of them loſeth part of his glorie by being brother vnto a man ſo wicked,

for

for the one cannot bee mentioned without the other. You say that you pardon the wrong which hee hath done you? But the law pardoneth him not for transgressing it. You say I would needs be stroken? but wee say that his brother would not that you should. It seemeth by your speech, that euen as the Tyrant iudged him a fit man to commit a vilanous act, so you likewise had the same opinion, and seeing that you could not escape, you fained that you were willing to bee stroken, for feare of being slaine altogether: Lastlie, hee hath smitten his father, knowing that it was against his brothers will, and against the decree of the law, so that hee being guiltie, is likewise worthy of punishment.

Declamation 46.

Of the bondman who hauing saued his Maister, his sonne, and goods, together with his daughters honor, pretendeth to marry her.

A Tyrant standing in doubt that his Citizens would attempt some conspiracie against him, tooke the bondmen of all the cittie into his fauour, giuing them freedome, and inciting them to murther their maisters, they fearing the effect thereof, did suddainly flie forth of the cittie, leauing their houses, wiues, and children in danger at the mercie of the Tyrant, who to take away al meanes and hope from the Citizens; and from the slaues all possibilitie euer to be reconciled vnto their maisters, suffered and commanded the said slaues to rauish their wiues & daughters: Shortly after the Tyrant died suddainly by mischance,

where-

whereupon the Citizens returned by force into the cittie, and caused all the slaues to be executed or hanged, except one, who hauing fained that he had rauished his masters daughter, did faithfully preserue and keepe her with all his goods, and restored her a virgin vnto his Maister, moreouer, he did forewarne the Citizens of the dangers which would follow, wherwith his Maister receiued such contentment, that he gaue him his daughter in marriage. But the said Citizen had a sonne, who opposed himselfe therevnto, accusing his father to bee void of vnderstanding, and said thus:

OVr griefe would be the lesse, if the Tyrant and not the father had made such marriages. Can anie man say that he hath not lost his wits, which seeketh rather to immitate the Tyrant his enemie, then his bondman? Who hath at the least shown more loue vnto him, then he doth either to sonne or daughter, seeing that he maketh himselfe like vnto the Tyrant. If the bondman had lien with my sister, I had caused him to be hanged as well as the rest, and now you your selfe would haue him to lie with her: you say that it is by marriage, I denie that, for marriage is meant betwixt those which are worthie one of another, either in deed, or opinion: Then seeing none besides you, who are mad, of that opinion that a slaue may be worthie to be your sonne in law, and my brother in law, it can bee no marriage: and were it otherwise, I say that this mariage bringeth more shame, then if she were rauished or abused by a Noble man, for then at the least the child which should so bee borne, should be more worthie and be better respected then the child of a bondman. Who would euer haue thought that the Lord or Maister would haue suffered his slaue further then the Tyrant would his friend? It

may

may therefore verie well bee ſaid that whoſoeuer maketh ſuch marriages, is either a foole or a Tyrant, of whom the one deſerueth death, and the other to loſe al authoritie. O what a faire ſonne in law hath he choſen, who hath nothing of anie worth in him, but that he hath kept himſelfe from being hanged with the reſt of his fellowes? Alaſſe my ſiſter ſhall then being vnder the power of her father, loſe hir virginitie, which was ſo carefully preſerued when ſhee was vnder the power of the Tyrant, and he ſhall be thought worthie of ſuch a marriage, which was not deemed worthie of the gibbet. Farre more happie are thoſe which were defloured, for they neuertheleſſe doe now take ſuch other husbands as are worthy of them. It is a goodly matter whē the father maketh ſuch a match for his owne daughter as the Tyrant did for thoſe of his enemies. Ah vnfortunate ſiſter, who being vnder the tyrants power diddeſt deſire thy father, and vnder thy fathers power, thou deſireſt the Tyrant, who would yet defend thee from this iniurie. Is this a ſmall reward for a bondman to ſee all his fellowes on the gallows, yet himſelfe to bee free from the like? you ſay that he hath not rauiſhed his miſtris, ſay likewiſe that he hath not ſlaine his maiſter, nor vſed poyſon nor ſorcerie: doe you ſay that hee dooth a good act that keepeth himſelf from crime for fear of puniſhment? Our miſerie is as great now as the ſhame which the other maids and wiues haue ſuffered during the Tyrannie, for this is done during our freedome: the others ſhame was in the abſence of their Parents, but this is in the preſence of hers; the others ſhame was called deflouring, but this here cannot be called conſtraint but a voluntary conſent. It was not vertue that kept him from doing as much as the others, but the ſcare to be

hanged

hanged with the others, hee knew very well that God would not suffer so cruel a tyranny to indure, and when the Citizens returned, the slaues should bee punished: But why will you marrie your daughter to one so vild and base, who hauing her in his power, both esteemed, and knew himselfe to bee vnworthy of her? Wherein onely he deserueth some recompence, which may bee done in giuing him freedome and meanes to liue, but you must not giue him her, for whose sake chiefly you would reward him.

The Answere.

I Doe now know very well that thou art ignorant how true nobilitie proceedeth from vertue, or els you would not iudge this man to be ignoble, who is truly vertuous; seeing neither the greedy desire of welth was able to win him, nor the prouoking of lust could entice him, nor yet the feare of punishment and cruel death might once terrifie him to swarue from his dutie. Who dooth not know, if the tyrant should haue had but the least inckling of his fidelitie towards me, that he alone should haue suffered the same death which hath been inflicted vpon all the rest. Wherefore I cannot bestow too much vpon him, who hath not spared his owne life for my honour alone, but for the honour of all our linage, from the which hee ought not to be excluded. But where doe you find that marriage consisteth in the equalitie of persons, doe you not know that *M. Cato* married a pore Plebeians daughter; as also a number of other like examples might be rehearsed. And if you stand vppon worthinesse, you shall find that your sister deserueth to haue but an honest

neſt man, and ſuch a one you cannot denie him to be, vnleſſe you ſpeake vntrulie: Nature hath not made any bond or free, but it is fortune that impoſeth ſuch names both on the one and the other, wherefore *Plato* hath not ſaid in vaine, that Kings are born of bondmen, and bondmen of Kings. Finally, if my daughter will not take him for her husband, ſhe will as well cauſe me to ſuſpect that ſhe is aggreeued or diſpleaſed with him in that he tooke not his pleaſure with her ſo ſoone as hee might, as I doe alreadie beleeue, that you would haue her to die without children, becauſe you might be the ſole heire of all my liuing.

Declamation. 47.

Of him that would not deliuer his brother, that had accuſed him falſly to haue ſlaine his father.

IT was an ancient law, that whoſoeuer did beare falſe witneſſe being conuinced thereof, he ſhould remaine his bondman againſt whom hee was a witneſſe. Whereupon it chanced that a certaine man which had two ſonnes, carried one of them abroad into the countrie with him, within a ſmall time after the ſonne came home againe alone, the other ſonne accuſed his brother that he had ſlaine his father, and added ſuch apparent likelihood vnto his ſayings, that the other being vpon the rack, confeſſed the offence which he had not committed; ſo that he is condemned to a cruell death: but a certaine ſolemne feaſt drawing neere at hand, ſome of his friends found the means to repriene him vntill the ſaid feaſt ſhould be ended: in the mean time the father returned home to his houſe ſafe and ſound,

whereupon

whereupon he which was condemned, accused his brother of false witnesse, and hauing conuinced him thereof, put him in prison: but the father intreated his son to deliuer his brother, the which the other refused to doe, so that his father threatened to disherit him saying:

WHat canst thou say saue only thy brother hath produced or born false witnesse against thee? I say that he thought he had said the truth, for the loue which he did beare vnto me, and the fear that he had of my death did make him beside himselfe: but if thou desirest to prooue him more faultie, then I say be thou mercifull, and euery one will say, that hee did much amisse to offend so kind a brother. Art thou abashed that thou foundest thy brother so cruell against thee, seeing that hee beleeued or thought that thou haddest slaine thy father and his? Why wilt not thou suffer me to haue two children? wilt thou torment thy brother to procure my death thereby? If it bee so, hee hath not altogether accused thee wrongfullie. Alasse one of my sonnes was in prison because I did not returne, and the other is in prison because I am returned. If thou dost not set him at libertie, I wil liue no longer: whereby it shall be knowne that thou wantedst not the will, but the meanes or occasion to murther me, and it will bee said that thy brothers meaning was not so bad against thee, as it was good towards me, seeing that hee inwardly perceiued thine iniquitie, and in forsaking me or returning without me, thou thy selfe wert the cause that he accused thee. Doest thou not perceiue that I am fastened euen amidst the selfe same chaines wherewith my son is fettered, and that the same bond which bindeth his hands, doth burthen my heart? Churlish

and

and vngratious as thou art, wherefore doeſt thou keepe thy brother in priſon and thy father in thraldome, who by his returne hath ſaued thy life? The which (if otherwiſe he ſhould haue done) thou couldeſt (next vnto God) neuer hold of any other then of him.

The Anſwere.

WHerefore ſhould I pardon him, who not onelie ſought my death, but indeuoured to procure my perpetuall defamation; It was to my great danger that I was impriſoned, condemned, & deliuered, wherefore no man but my ſelfe can rightlie iudge of my paſſion; He falſlie alleadged that I had ſlaine my father, thereby to cauſe me to die forwith, me I ſay who was euer a moſt kind brother vnto him; who knoweth not that the greater the loue is, the more vehement is the hate when it is once iuſtlie conceiued. The hangman being more pittifull then hee, was the firſt that brought me news of my fathers returne. If I had euer ben wickedly minded, I ſhould not haue had ſo iuſt a cauſe to be angry? Is it to be wondered at, if I detaine him priſoner that ſought to bring me to a ſhamefull end, it may be to murther you afterwards ſecretlie? It is not only a hate, but a feare which I haue, leaſt he ſhould complot ſome other Treaſon againſt me, that hindereth me from deliuering him. What is hee that did not verie plainly perceiue, that the only prolonging of my puniſhment procured his paine, although the daily expecting thereof did more diſpleaſe me, then the preſent ſuffering the ſame could haue daunted me, ſeeing the hangman alwaies before me, who was himſelfe affrighted at thoſe torments which were prepared for me. If my father do

loue

loue me as well as he doth my brother, I would know why he died not at his returne for ſorrow, ſeeing mee at the gibbet? It is hee then for whoſe ſake hee would diſherit me, that by one onely treaſon did thinke to murther both his father and his brother, that he might as well be ſole heire, as alſo poſſeſſe the whole inheritance the ſooner.

Declamation. 48.

Of a father that would renounce his ſon for marrying a maid that had freed him from her fathers priſon.

A Certaine man being taken by Pyrats or rouers on the ſea, writ vnto his father for his ranſome, the father excuſed himſelfe, ſo as the other remaining without hope of releaſement, is releeued by his daughter who was captain of the Pyrats: and ſhee was not onely fauourable vnto him during his impriſonment, but alſo promiſed to ſet him at libertie, and to flie away with him, if he would ſweare to marrie her, either when hee came home, or by the way: He did ſweare, and married her ſolemnly before he came where his father remained; who was diſcontented therewithall, and would haue had him to forſake her for to marrie with a rich inheritrix, but he would not: whereupon his father would diſherit him, ſaying:

O What a great ioy maiſt thou hope to haue of thy wife, or what comfort can I expect of my daughter in law? Who for the loue of a ſtranger, cared not to hate her owne father: Yea, and was not aſhamed

to disclose her disordinate lust vnto one whom she neuer knew before. Thou wilt say that first of all she had compassion of thy miserie, and from that compassion did loue spring; but I answere that it was neither compassion nor loue towards thee, but rather a desire to satisfie her owne lust and pleasures, that prouoked her to deliuer thee: wherefore thou art not in any sort bound vnto her hauing partly satisfied her desire, for it should bee impossible for thee wholy to satisfie the same; seeing the drie earth, the graue, and a womans wombe, are three insatiable things.

The Answere.

I Should greatly erre to put away, or leaue her, who hath not forsaken me in such a place, where not onely my father himselfe feared to come, but also where he either durst not, or would not once succour or releeue me. If you had seene my bodie ouerloden with chains and bonds, my hollow cheekes, my deepe sunken eies, as also my blacke and vnprofitable hands clogged with gines, you would trulie haue said that compassion onlie mooued her to deliuer me, the which she could not doe without running away with me; and because I would not be vnthankful for so high a fauor, what better reward could I bestow vpon her then my selfe, since I was the chiefest cause that shee hath nothing wherewithall to marrie her: being then my wife, she could do no lesse then loue me, but if it had beene so that she had loued a captiue, a slaue, or at the least one far more miserable, Yet ought she not to be therefore condemned. The Romanes in times past did worthilie take a bondman to be their King. Miserie or pouertie neither hin-

dreth

dreth nor corrupteth vertue, but maketh it more excellent, and is oftentimes the cause whereby a man may shew himselfe more worthie: but what thinke you of a number of Romanes, who being violently taken from the plough, haue neuertheleſſe greatly enriched and increased the Commonwealth by their pouertie? why then should I make her miserable, that hath freed mee from miserie? If I should be so ill disposed, yet ought you both to reprooue me and chastice me for it: suffer me then to performe my dutie, seeing you are not willing either towards her or me to performe yours. And in that shee loued mee better then her father, I am so much the more bounden vnto her.

Declamation. 49.

Of one that was likely to be defrauded of the honor due to him for his victorie: because he had taken the armes belonging to a dead man.

A Certaine valiant conqueror chanced to die, who hauing made his Testament, he ordained that all his armes should be hanged vp for a Trophey about his sepulchre, and that it should not be lawful for anie man to take ought therof away: It chanced that another man (who tofore time had ben no leſſe famous for his victories in the Commonmealth then the other) lost his armes in the warres, and being charged by the enemies, he fled in the cittie euen vnto the sepulchre aforesaid, from whence he tooke the dead mans armes, wherewith he returned vnto the fight,

and there behaued himſelfe ſo valiantlie, that he came home againe a conqueror. But like as vertue is euermore perſecuted by enuie, ſo he (hauing placed the armes againe from whence hee had taken them, and receiued the triumph of his victorie) is accuſed of ſacriledge, and for robbing the ſepulchre of another man by taking away his armes; but he excuſed himſelfe of the crime ſaying:

THeſe armes ſtood more in need of my aid, then I of their aſſiſtance, for the victorie which I haue obtained hath kept the enemies from taking the cittie, and all that therein is, and although it were otherwiſe, yet could not that be tearmed violence which one taketh without reſiſtance to a good intent, and with a will to reſtore it againe. Many ſpeake of armes which know not what they meane, for theſe here being in my hands at the combate were armes, but ſo long as they ſhal remaine in the temple, or about the ſepulchre, they can be tearmed no other then ſpoiles, or an vnprofitable Trophey, ſo that it may well bee ſaid, that the armes ſtood in need of my ſtrength. I lent my ſelfe vnto them, whereby alſo the Commonwealth hath receiued great benefit, and the dead man and his armes haue gained more thereby then they loſt, for the dead ſhall bee the more eterniſed, and his armes the more famous. Neceſſitie is not only without law, but ſhe her ſelfe is the law of time. Wherefore oftentimes ſhe cauſeth the richeſt marchandiſe to bee throwne into the ſea to vnburthen the ſhip: or to breake down, and ouerthrow ſome houſes to ſaue others from fire: ſo likewiſe is one or more members cut off to ſaue the reſt of the bodie: how much more lawfull is it then in a neceſſity to do a good act, as I haue done three, for I haue ouercome the enemy,

mie, assured the Commonwealth, and increased the glorie of these armes, in making them double victorious. Is it not apparentlie knowne that manie doe morgage, and sell all the iewels and relicques of the church, to conserue the Commonwealth? Wherein then haue I offended, imploying for the same a thing of so small a value, which serued but for an vnprofitable shew?

The Answere.

THy fault is verie manifest hauing shewed thy selfe badlie furnished for the combat, but redie inough for the flight, and in the one and the other verie cowardly; as also no lesse impudent in defending thy cause, then impious in committing so vild a crime: to prooue this my saying true, thou hast either lost, or forsaken thine armes, the which anie man of worth doth farre preferre before his life. Thou couldst not then (by thine own saying) recouer that dishonour of thy losse, without taking away a dead mans armes, which were hallowed and consecrated to the church; and thou hast no other excuse for thy theft or rapine, but that thou diddest lose thine: seeing then that both the one and the other act is most execrable, whether of the twaine will best serue thee for an excuse? Thou saist, I haue set the armes in their place againe, thou doest thereby confesse that it was not lawfull to take them thence. It seemeth thou wouldest inferre, that thou deseruest verie much in that thou diddest not leaue them, as thou diddest thine own, and it appeareth by thy speech, that hauing restored them againe, the law hath in no sort been offended; I answere, that in performing this offence, thou hast done like vnto him that should first wound a

man, and afterwards heale him againe; or like vnto him that restoreth any stolen goods, not only when he hath no more need thereof, but after that he hath enriched himselfe by the means thereof. It might haue ben sufficient for thee, that thou haddest saued thine owne life and reuenged the death of thy followers by these arms, without vsurping the triumph and glorie of the good lucke which they did yet containe by the vertue of the dead man: wherefore thou art onely beholding vnto them, els mightest thou as well haue beene conqueror with thine own arms, without vsurping or taking away these which thou knewest to be victorious. There is no reason then to pardon the fault which thou thy selfe hast committed, for any the good successe we haue receiued by anothers mans weapons; and although the same should so be according to thine owne desire, yet must we doe iustice, and euen as thou hast obtained the honor and triumph of a conqueror, so must thou endure the punishment due for crime.

Declamation 50.

Of an adulterer, who hauing slaine a Tyrant, claimeth the reward and honour that was promised, the which was refused to be giuen vnto him.

A Certaine Tyrant hauing by force obtained the sole gouernment of a Commonwealth, the Citizens thereof did secretly ordain amongst them, that whosoeuer could slay the said Tyrant, hee should haue tenne thousand crownes in recompence, and his statue or image should be set vp in the Temple, and

and bee called the onely patron and protector of his countrie. Whereupon it happened that a yong man did so well court the Tyrants wife, that he inioied her at his pleasure, and oftentimes he went vnto her by night disguised, and sometimes in the habite of a woman. In the end he was suddainly surprised by the Tyrant, who would haue slaine him, but the yoong man being the stronger, or rather being aided by the wife, tooke the tyrants sword from him, and slue him. Wherefore hee demanded of the Commonwealth the recompence promised vnto him which should slay the Tyrant; but the Cittizens gainsaied his demand in this sort:

IF the Tyrant himselfe had not armed thee, thou haddest neuer slaine him, but what shall I say, Seeing that one Tyrant murthered another at all aduentures? For adulterie is no lesse offence then tyrannie: but of whom requirest thou a reward for thy not suffering him to slay thee, Seeing that euen those which are most wicked, doe eschew death as much as they may? the tyrant should haue deserued as much if he had slaine thee, as thou doest in killing him, so that can be said to be nothing els but an equall combat, the issue whereof hath beene happie for thee: neither did the honester, nor the innocenter man get the victorie, but rather the stronger, or the vilder person. Seeing it was manifest that the Tyrant came to murther thee who wert as wicked as himselfe, and that he brought the meanes to kill himselfe, why commest thou alone to demand the reward? The which if anie were done, ought to be diuided in three parts, that is to say, one part to the Tyrant for bringing thee a sword, another part to his wife for helping thee to take it from him, and the last and least part for thy selfe: Moreouer,

thou diddeſt not enter armed as thoſe do which would kill, but thou camſt delicatlie apparelled, and perfumed into the chamber, not without good eſpiall before hand of the Tyrants abſence. A valiant man no doubt, who deſired not to find the Tyrant, but his wife, who was not pricked with hate, but paſſioned with loue. They which goe purpoſely to kill anie one doe arme themſelues with courage and courtelax, and doe goe thether where they thinke to find thoſe they meane to kil. Euery noble act is begun with an intent, and performed by occaſion: for as oftentimes the vertuous enterpriſes are rewarded, although the ſucceſſe doe fall out ſiniſterly, ſo are wicked enterpriſes not left vnpuniſhed, although they ſucceed not according to the meaning of the malefactor; and as vertue without effect loſeth not her glorie, euen ſo likewiſe is that neuer allowed for vertue, or worthie of reputation, which happeneth by fortune, or chance. The wiſdome of our Senat, would neuer haue appointed ſo great a reward for him that ſhould ſlay the Tyrant, if they had thought the ſame ſhould haue ben performed by ſo wicked a perſon, not willingly, but by conſtraint, not by vertue, but by vice. Neuer was there heard of ſuch a combat, for hee which was counted the vildeſt caitife, did fight for the beſt & honeſteſt cauſe; the Tyrant fought to reuenge his owne wrong, and his wiues reputation, and thou to maintain thy lewd act and foule adulterie: ſo that it may truly bee ſaid, that thou diddeſt murther a womans husband, and fortune hath ſlaine the Tyrant, by whoſe death the Commonwealth hath gained her freedome, although he was not ſlaine for the ſame intention. It is a goodlie matter to ſee thee come polluted with the kiſſes of an adulterous minion, to demand the recompence belonging

longing vnto a vertuous man; this honor ſhould bee due vnto ſuch a one as had freely killed the Tyrant, being therevnto prouoked by vertue; but not vnto thee, who diddeſt it by chance or conſtraint, thereby to defend thine owne life: wherefore the ſame life which thou haſt ſaued by this deed, is a recompence great enough for thy deſert; or if thou wilt denie this, conſider that firſt we muſt puniſh the vice, and afterwards reward the vertue: thou canſt not denie but that thou diddeſt firſt commit adulterie before thou ſlueſt the tyrant, firſt then ſuffer puniſhment for thy fault, and then we will afterwards conſult whether thou deſerueſt that reward which thou demandeſt. But aboue all things remember this, that no good act is to be attempted by miſchiefe, neither muſt vertue be attained vnto by vice.

The Anſwere.

YOu ſay that I went not of purpoſe to kill the Tyrant, ſeeing that I did goe vnarmed: But I affirme that I did, which is plainly approued by his death. In that I was vnarmed, it doth not any whit deminiſh my vertue, but rather augment my danger, the which not to eſteeme, nor feare, can bee no other then vertue. You muſt not examine what I carried into the Caſtle, But what I tooke away thence; Likewiſe neuer aske wherefore I went thether, but marke what I haue done there: True it is that the ſword was none of mine, but the hands were mine, the courage, counſell, danger, paines, and laſtly the act was mine. Doe you call mee an adulterer, who am the only cauſe that your wiues need not ſtand in feare to be anie more rauiſhed? I did warily conſider (ſeeing the ſtrong fortification of the caſtle)

what

what meanes there might bee to kill the Tyrant, but hauing tried the souldiors, the seruants, and the maids, I could find no fitter occasion, then by the means of his wife, who long before had been liberall inough of her honor vnto others: furthermore, it can bee no more tearmed adulterie to cuckold a Tyrant, then it is reputed murther to kill a Tyrant; but it is rather worthie of reward. Moreouer, it was verie dangerous to carrie a sword secretly into the castle, but very easie to find one there, for my purpose was that if I could meet with the Tyrant, euerie thing should serue me for a sword; likewise I was sure that hee neuer went without a sword, and that when two striue for one sword, it remaineth vnto him that is the strongest or worthiest. Also I was not ignorant how God doth alwaies resist such wicked persons as hee was, and doth fauour such lawfull enterprises as mine: and you cannot say that I went not to seeke the Tyrant, seeing I staied of purpose for him euen in his bed chamber, whether I was sure that he vsed to come all alone. Take not then that from me by your malice, which is due vnto me by my vertue and manhood.

Declamation. 51.

Of the father that adopted for his heire, the sonne of his forsaken sonne.

There was a man which had two sonnes, the one whereof he did vtterly denounce and forsake, in that hee had married with a woman of lose life, by her had a son, and afterwards fell sicke: Whervpon he sent to intreat his father to come

at

at the least to visit him once before hee died, who being come vnto him, his forsaken sonne commended his little child vnto his care, and then died suddainly. Wherefore the grandfather was so greatly moued with compassion that he adopted the child for his owne, and made him coheire with his other sonne, who being therewithall displeased, accused his father to bee void of his sences, but he gainsaid him thus:

THis were a verie new manner of losing a mans wits, seeing that by your saying I should bee verie wise, if I did not know those which were mine owne. Truly I did expect that some bodie should haue intreated or requested mee to haue reuoked this my poore forsaken sonne, but no man durst be so bold, seeing thou which wert his brother, diddest neuer doe thine indeuor therein: wherefore it is to bee supposed, that all men knowing thy ambition to bee sole heire, they feared to displease thee. Alasse this poore mans life was onely prolonged but vntil he might speak with me, and when hee had once heard me, he opened his eies, (shut vp in a manner alreadie) to see me, retaining his fleeting soule but only whilest hee bad me farewell, so that I may rightlie say hee left both life and child in my bosome. To conclude, I well perceiued by his end (but alasse too late) that he was truly my sonne, but thy rigorous crueltie towards him, and thy great ingratitude towards me, maketh mee in doubt whether thou art his brother or no.

The Answere.

THe father of this child is vnknowne, and although he were, yet doe your owne deeds sufficiently testifie

stifie that you are not well in your wits, if you forlooke my brother without a cause: but if he were worthie of your displeasure, he did yet further deserue it in marrying with a lewd woman, and if he by this mariage were the more vnworthie to be reuoked, much more vnworthy then is this bastard and vnknowne child, to be your heire: so that I know not whether of the two iniuries you do vnto my brother is the greater; either in taking away part of his brothers inheritance from him, or in adopting him a false heire. Being perswaded and importuned by this dishonest woman, hee recommended vnto you his sonne, which he did very wel know he neuer begat: but what cannot such women perswade? Or what will he refuse to doe for a whore, that was not ashamed to giue himselfe vnto her? How then can you be iudged wise in adopting another mans sonne, to disherit your owne?

Declamation. 52.

Of the vnchast woman that was adiudged to be throwne headlong down more then one time.

A Woman that was attainted of whoredome, and for the same condemned to be cast headlong downe from the top of an high tower, being readie to bee throwne downe, did pray vnto God that he would declare her innocency, in preseruing her from death; her praiers being ended, she fell from the top downe to the ground without receiuing any hurt at all. Neuertheless, the Marshall would haue throwne her downe againe. Wherevnto she replied in this sort:

Where-

WHerefore wil you reſiſt the wil of God, which hath preſerued me? And were it not ſo, yet is the iudgement accompliſhed. I was (though wrongfullie) condemned to bee throwne headlong downe, I haue ſo ben, my iudgement and execution being accompliſhed, what would you els doe? Am I not acquited, Seeing that it was not ſaid that I ſhould bee executed anie more then once? Neither is any man euer executed two times, eſpecially becauſe euery iudgement ought rather to be mittigated by clemencie, then aggrauated by crueltie. If you would puniſh me for the offence which you ſuppoſe I haue committed againſt God; ſeeing he hath declared me to be innocent, why would you offend him in puniſhing me? It is the vſuall place from whence others are throwne downe, wherefore it is verie likely, that if I had ben guiltie, I ſhould no doubt haue died as well as they.

The Anſwere.

THou ſheweſt thy ſelfe to be as ſhameleſſe at thy puniſhment, as thou wert when thou diddeſt commit the offence which thou wouldſt now denie. Knoweſt thou not that deniall after ſentence is once paſt, is nothing auaileable? The meaning of which ſentence muſt be interpreted, which is, that thou muſt die, likewiſe it is either a chance that thou art not dead, or els thou vſeſt ſome charmes or witchcraft: for were it as thou ſaieſt, that God would haue thee ſaued for thine innocencie; he would rather haue defended thee before thou haddeſt been condemned falſely, then ſheilded thee from death after thy fall: but it is more

more likely that he would prolong thy paine, becauſe ſo ſhort a death is too eaſie for ſo hainous a crime as thine is: or els becauſe thou haſt committed other offences, he would haue thee caſt down more times then once; for God is not ſo ſlacke to helpe the innocents: He ſaued *Suſanna* before ſhe was ſtoned, not ſuffering the ſtones to touch her bodie. Finally, if it be his diuine will that thou ſhouldeſt be vnpuniſhed, thou ſhalt haue as little hurt at the ſecond or third throwing downe as thou haddeſt at the firſt.

Declamation. 53.

Of her who hauing killed a man being in the ſtewes, claimed for her chaſtity and innocencie to be an Abbeſſe.

THe order of the religious women is ſuch, as they muſt be pure, chaſt, and free from all crime, but the Abbeſſe muſt be the chaſteſt of all the reſt. Whereupon it chanced that a certaine yoong Nunne of Naples was to ſaile into Sicilie to be an Abbeſſe there, but her miſfortune was ſuch, that ſhe was taken vpon the ſea by Pyrats, they ſould her vnto a bawd in Barbarie, who put the ſaid Nunne into a Brothelhouſe to get monie by her, but ſhe declaring her miſfortune vnto ſuch men as came to take their pleaſure of her, did ſo win them by her perſuaſions, that they giuing her the accuſtomed reward, left her a virgin: vntill that on a time there came vnto her an inſolent ſouldior, who would in no ſort regard her ſpeech but hauing paied his menie, would by force haue had his will of her,

her, and as he was striuing with her, she drew his dagger forth of his sheath, and slue him, for the which she was put in prison, but being before the Iudges, shee was not onely acquited of the murther, but also they sent her back vnto Sicilie vnto the place whether shee was determined to goe. She being there arriued, they would not receiue her for Abbesse, but said:

THis woman here which would be an Abbesse, should yet haue ben in the Brothelhouse, if she had not murthered a man; but can she be chast, comming from such a place? Nay let vs see whether it be lawfull to receiue such into monasteries, whom the stewes and the prison forsaketh, Seeing the order of religion may very lawfully be denied, euen vnto those as doe but onely passe by such places? she saith fortune constrained mee vnto these inconueniences, therefore ought euery one to haue compassion vpon me: but wee say that those which are worthie of pittie, are vnworthie of a prelateship, neither is it a custome amongst vs, that such places as are of greatest honours should be bestowed in recompence of sustained harms, seeing that the only freeing them from their said harms may serue for a sufficient recompence of their passed miseries. Likewise, we may consider how smally she deserued by the little care her parents took of her distresse, not onely in suffering her to be lost or taken away, but being taken neuer sought either to recouer her, or once to seeke her out: and what did the Pyrats see in her that they rather sold her vnto a pandor, then to a Princesse, or to some other honourable ladie? If she knew how to persuade so manie men to leaue her a Virgine, (as she saith) wherefore could she not persuade her mistresse to suffer her to gaine her liuing by some other means,

means, rather then to put her forth to ſo vild a vſe; or els why did ſhe not as *Hippo* the faire Grecian did, who leaped into the ſea ſo ſoone as ſhe perceiued that ſhe was taken by Pyrats. Alaſſe if this woman obtaine the Abbeſſeſhip, greatlie are the Nunnes of this order to be pittied, if amongſt them there cannot bee found one more chaſt then an harlot, or more innocent then a murtherer. She cannot be chaſt inough to rule ouer vs, eſpeciallie ſeeing ſhe ſaith; I knew how to perſuade all thoſe that came vnto me: the which ſheweth a certain token of her immodeſtie, for otherwiſe how could ſhe haue pratled ſo well in that place where ſuch as were modeſt would haue burſt into teares, and without being able to ſpeake one onlie word, would haue died for ſhame. Let vs then take the caſe thus: that in her there are three do claime to be Abbeſſe, the firſt, is one taken by Pyrats, the ſecond ſuch a one as hath liued in the ſtewes, & the third ſhe that murthered a man, of whom the beſt is farre vnworthie of anie honour.

The Anſwere.

GOd herein was minded to ſhew his power, by making this woman free in bondage, chaſt in a diſhoneſt place, and moſt innocent in committing murther to defend her chaſtitie. I know not whether anie did euer deſerue the place of Abbeſſe ſo well as ſhe: but I am ſure there would bee ſomewhat to doe to depoſe all the Abbeſſes that are leſſe worthie then ſhee. How chaſt ſhe is, the blood of the ſlaine ſouldior doth teſtifie; how innocent ſhe is, the Iudges doe declare; how happie ſhe is, her returne doth ſhew. Wherefore it is verie manifeſt that God would neuer haue preſerued her

her from so manie perrils, if it had not ben to serue him in some worthie place. Therefore the same God which hath protected her, is himselfe alone a further testimonie of her chastitie, and he onely is able to comprehend her admirable valor.

Declamation. 54.

Of him who against his fathers mind perswaded his sister to cause him to die that had forced her.

THe law is, that whosoeuer killeth a man by chance, he should be banished or put to exile for fiue yeares: likewise euerie maid that is forced or rauished, may chuse whether she will haue the rauisher die, or whether she will haue him to be her husband. Whereupon it chanced that a certaine man which had a son and a daughter, was exiled for the cause aforesaid: his daughter that remained with her brother in the house was rauished by another yoong man, who after his fault committed, fled vnto the maidens father, with whom hee so much preuailed, that he obtained letters from him, wherein he commanded his daughter to chuse her said rauisher for her husband, and not to require his death; the father likewise writ vnto his sonne, intreating him to perswade his sister to consent therevnto: who on the contrarie constrained his sister to demand his death, so that the father at his returne did cast off and disherit his sonne, saying:

ALasse my misfortune is intollerable, seeing that I being (as alwaies I haue been) a louer of the Com-

monwealth, haue notwithſtanding bereaued her of two men, and both againſt my will, yet not without being culpable therefore; in the one manſlaughter I was abuſed by fortune, in the other by him who is in name (yet not indeed) my ſonne, that hath inforced his ſiſter to diſobey her father, as well as he, in a iuſt commandement, and cauſed her to obey him in a cruell reuenge, ſome may ſay that it is incident vnto man to offend, it had ben a ſufficient excuſe, if I had not both aduertiſed and intreated him the contrarie, and alſo if hee had not knowne the griefe which I alreadie ſuſtained for being the cauſe of a mans death, and that I did therefore owe a citizen vnto the commonwealth, whom I might haue ſatisfied in ſauing the life of this ſame man, by whom manie others might haue ben begotten; ſo that hauing ſlaine the other vnaduiſedly, I might haue ſaued this circumſpectly: but thou becauſe thou wouldſt haue no nephewes by thy ſiſter, and that thou mighteſt cauſe me die with ſorrow, haſt broken my purpoſe, wherefore I iudge thee vnworthie of the heritage, which ſo plainlie thou ſeekeſt to obtain by ſo many vnreaſonable means.

The Anſwere.

THe death of a good Citizen, cannot be repaired by ſauing the life of a wicked caitife, for that is no ſatisfaction, but rather a double offence vnto the Commonwealth: Moreouer, thoſe children which ſhould bee borne by the marriage of a rauiſher would ſerue but for witneſſes of their fathers ſhame, and the wrong done vnto our ſtocke, the which ought not to bee increaſed by him that had doublie wronged them, hauing not onelie iniuriouſlie aſſailed the houſe of an

exile

exile (although the affliction of the afflicted ought not to bee increased) but also after hee had wronged him, without anie shame at all comming before him, he first made him priuie to the iniurie, and in a manner both constrained him to consent vnto it, and to allow thereof: wherein then haue I offended? By complaining of the iniurie done to my absent father? I cannot be either forsakē or disherited, becaus I haue done but according vnto law. Likewise my father who was so far off from the place where the wrong was committed, could not well iudge thereof, seeing that his griefe being absent, could not be like ours that were present, and also the estate wherein he was, together with his age, made him to indure wrong better then I could. Furthermore, the adulterer knowing the horriblenesse of his crime, went to make his agreement with him who was ignorant of the truth, and returning hether, hee renued the iniurie, prowdly commanding vs to like of his marriages, by vertue of certain letters, that (it may be) he either obtained by force, or at the least gained by frawd. No man is vndone too late at anie time, but a manifest vndoing is it, to giue ones daughter vnto such a one, as with the helpe of such wicked impes as himselfe, hath both defloured her and dishonoured her, breaking into our house by force of armes. I beleeue he would neuer tell you all this (father) or if he did tell you, and you were content therewith, or that you bewaile his death anie more, you are no lesse faultie then he.

Declamation. 55.

Of him who gaue ouer his betrothed wife vnto his sicke son.

A Certaine man had two ſonnes, neuertheleſſe hee was betrothed or made ſure vnto a yoong maiden, with whom one of his ſonnes became ſo far in loue, that he fell ſicke, and no doubt he had died, if the Phiſition had not told his father that his ſonnes diſeaſe proceeded of loue, whereupon the father came vnto his ſon, praied him, coniured him, and laſtly threatned, not only to curſe him, but alſo to kill him, (holding his ſword in his hand) if he would not manifeſt vnto him the cauſe of his ſickneſſe, and what ſhe was whom he loued, wherfore the ſonne ſeeing himſelfe in ſuch an extremitie, trembling and weeping, confeſſed that hee was in loue with his mother in law; the father to ſaue his ſonnes life yeelded her whom he had betrothed vnto him, and cauſed them to be married together. The other ſonne who was enuious againſt his brother, accuſed his father to haue loſt his wits, the which the father denied, ſaying:

IT is thou that haſt loſt thy wits, or at the leaſt art vtterlie blinded with paſſion and ill will, ſo that thou wilt be the cauſe, that euerie man will bee amaſed at ſuch an act as was neuer ſeene: that a mother in law ſhould bee more pittifull vnto her ſonne in law then thou art vnto thine owne brother. Calleſt thou that want of vnderſtanding, when by my wiſedome I ſaue my ſon, in granting him her, who in no ſort was aggreeable for me: I ſay that in keeping her from him, I ſhould haue loſt my wits, ſeeing that ſhe might haue done ill, I might not haue done well, and my ſonne ſhould haue died: I am ſure that he loued her better and more feruently then I did, therefore is ſhe due vnto him, what wrong do I thee? Art thou angrie to haue thy brother, and not a mother in law? I did draw the ſword before

his

his face, the which no man could take foorth of my hands, but only himſelfe in confeſſing the truth. Laſtlie, all that a father doth to ſaue his ſonnes life is not onlie very excuſable, but to be accounted for exceeding great wiſdome and iuſt pittie.

The Anſwere.

IT had been better for my brother to haue died, then to haue cauſed his concupiſcence ſo apparently to be diſcloſed, Seeing the beſt that can bee ſaid of him is, that hee was healed by adulterie: that you haue ſaued him by execration, and ſhe hath holpen him by abhomination. Why may not that bee tearmed worſe then adulterie which is done chieflie by the commandemēt of the husband? I know not whether you haue ſhewed your ſelfe more mad in betrothing this woman, or in forſaking her, or els in marrieng her againe with your ſonne? But how farre beſides himſelfe is hee, that thinketh it a good deed or a good turne to commit whoredome? A wiſe man (no doubt) that drew his ſword, not to puniſh adulterie, or to eſchew the ſlander thereof, but rather to inforce his wife and ſonne to commit adulterie together. My brother ought rather to haue periſhed, then to bee cured ſo perniciouſlie; but ſuppoſe that if he had luſted after his ſiſter, or his mother, ought hee to haue had either of them? Theſe remedies are more dangerous, and more greeuous, then danger, miſchiefe, or death it ſelfe. But all this hath ben compacted betwixt the ſon, the betrothed woman, and the Phiſition, who likewiſe claimed an intereſt therein; And thus the diſeaſe, the cure, and the adulteries proceeded of your follie.

Declamation. 56.

Of a man that is found dead in his bed, his wife wounded, and the accusations together with the witnesse of a child.

IT chanced that a certaine man being a widdower that had a sonne, married his second wife, by whom hee had another son: and because his first sonne did but badly agree with his mother in law, the father gaue him part of his house, which was neuerthelesse diuided with a wall, so that they were seuerall: likewise this old man had a receiuer or factor which was a yoong man and a faire, so that this man was somewhat suspicious that he loued his wife, which iealousie was not a little increased by the sonnes persuasions, so that therby oftentimes there chanced such braules betweene them, that his factor and he were vpon tearmes of parting. Whereupon it happened, that shortly after the nieghbors through the wiues exclamatiõs, ran into the house, where they found the goodman slaine in his bed, his wife wounded, and so much of the common wall broken downe, that a man might easily passe thorow it: wherefore not only the sonne, but also the factor was suspected to be guiltie of this murther; and hauing apprehended them both, they brought them before the child being of three yeares old, who did lie in the same bed, and asked him which of them it was that had beatẽ his father, the child pointed with his finger vnto the factor, wherefore the son accused him for murthering his master: but the factor through the breaking of the wall, accused the son for murthering his father, saying:

O How wicked this world of ours is, seeing that it hath brought foorth so cursed a man, that hath at one instant both murthered his father, & would haue don the like to his mother in law! so that I beleeue the feare of missing did in some sort hinder or stay his murtherous hand, from giuing so great a stroke as hee intended, and she fained her selfe dead least his purpose should haue been effected; or to saue her husbands life, whom this traitor hath murthered least he should haue been a witnesse against him for the fact, as also because he did most vnnaturallie hate him, for the kind and honest loue the man did beare vnto his wife, and therfore he sought the means to expell me from hence, that hee might better accomplish his wicked enterprise, for two are more easilie slaine then three, and it may be that he did put on such like apparell as mine to abuse this poor infant, and to corrupt his innocencie by false testimonie: but what witnesse can be more manifest, then the breaking of the wall, the which is likewise pulled down, for the desire he had to murther his mother in law.

The Answere.

IT is verie apparent that thou commest neither vnprouided of sophistical arguments long before premeditated, nor that thou art anie whit abashed of this murther, seeing that the horror thereof doth nothing hinder thy tongue from babling. O miserable man that I am; hearing the noise I ranne thether thinking to haue seene the adulterers taken, but alasse I found my father killed, which doth astonish me in such sort as I will onely answere that I doe not onely

reſt vpō the childs demonſtration, but vpon his further affirmation, although thou haſt of long time kept him in awe, ſo that in pointing to thee with his finger, hee hath both declared thee to bee the murtherer, and alſo that thou haſt oftentimes forbidden him to accuſe thee for the laſciuious kiſſes proffered in his preſence: there is not anie witneſſe more ſufficient then the pointing of this innocent child who is of ſufficient age to be able to know and diſcerne, although not ſubtile inough to deceiue faine or lie. If thou ſaieſt that one witneſſe is not ſufficient, then wil I ſtand vnto the peoples cenſure, and will not refuſe that thou ſhe and I may bee all three examined by torments, for God the right and fortitude ſhall be for the innocent.

Declamation. 57.

Of him that would compell his ſonne to marry with his ſiſter in law, that was by him accuſed of adultery.

A Man had two ſonnes, to the one whereof hee gaue a wife, who being married, made a certain very long voiage into a far countrie, during his abſence, his brother tooke ſuch an hatred againſt his ſiſter in law that hee accuſed her of adultery, but yet not before the Iudges, whereupon her husband being returned, took a bondwoman that was his wiues ſeruant, and cauſed her to bee tortured ſo extreamely to know the truth, that ſhee died with the torment not confeſſing anie thing, wherefore his father, that loued his daughter in law, did ſharpely reproue him, that hee would ſo lightly conceiue an ill opinion of her. He as well for greefe that he had wrongfully ſuſ-

pected

pected his wiues honestie, and vniustly killed her bondwoman, as also to perceiue his brothers malice, and to haue procured his fathers displeasure, did dispaire, and either hanged or killed himselfe, wherfore the father willed that according to the Iewish law, the other sonne should marrie his brothers widdow, or if otherwise he refused, hee would vtterly forsake him and renounce him for his heire, against the which his sonne pleaded in this sort:

YOu would haue me to marrie with my brothers widdow, whom I haue accused for an adultresse, (as in sooth she is) who caused both my brother to kill himselfe for griefe, and compelleth you to disherit me. I beleeue that you tempt me to take her to trie whether I did accuse her wrongfully or no, for you your selfe would neuer giue mee an adultresse to wife: but you might thinke, if I did take her that she is chast, and I am false: truly if you could make mee to marrie her that both hateth me mortallie, and I know to bee a dishoneſt woman, one might then assuredlie beleeue that nothing would bee euer impossible for you to effect. But why would you compell me to make her my bedfellow that hath made mee brotherlesse? Her I say that is the cause of her husbands death, of the discord twixt you and me, of the scandale to our linage, and of the peoples murmuring? I haue alreadie chosen a wife that loueth me, that will follow me if I will, that wil neuer forsake me either in aduersitie or prosperitie, and finallie that will bee such a one vnto me as a wife ought to be vnto her husband, which will be more worth vnto me then a most great inheritance; whereas if on the contrary I should marrie this woman, euery one might suppose that I loued my brother but little, to wed her that was the cause of his losse.

The Answere.

THere is nothing more reaſonable (ſeeing thy brother was deſirous by his death to acquite the wrong which he had don vnto his wife, by giuing credit to thy falſe accuſation) then that thou by marrying her, mighteſt alſo declare her innocencie; for the ſhorteſt follies are beſt: wherefore it were better for thee to confeſſe, and blot out thy fault by doing well, then in perſeuering alwaies in thine obſtinacie, to ſhew thy ſelfe in a double fault, for thou art the onely cauſe of all theſe chances and ſlanders which thou obiecteſt, therefore in not making amends for thy fault, I may lawfully diſinherit thee for thy follie.

Declamation. 58.

Of the ſorcereſſe, which poyſoned her ſon in law, and accuſed her owne daughter to haue ben conſenting thereunto.

THe law appointeth that euery woman which vſeth poyſon, being conuinced of the crime, ſhould be tortured, vntill ſhe accuſed ſuch as were partakers or conſenting vnto her wicked act. Wherupon it happened that a man hauing but one ſonne, married a ſecond wife, of whom hee had one daughter, who being of reaſonable yeares, the ſonne died of poyſon, and the mother in law is not onely ſuſpected for his death, but accuſed and conuinced thereof: wherefore ſhe being laied vpon the racke to make her confeſſe ſuch as were conſenting to her fact,

ſhe

ſhe accuſed her owne daughter, ſo that ſhee was adiudged to bee burned with her mother: but the poor father gainſaid it thus.

AH miſerable child, ſeeing thy mother hateth thee as much as thy father loueth thee; O miſcheeuous woman that euen vnto thine owne daughter thou art worſe then a ſtepdame, art thou not ſufficiently glutted with thy paſſed murthers, but thou muſt further gorge thee with thy daughters maſſacre? But who knoweth not that ſuch kind of people deſire not to die without ſlaughter? Wherefore amongſt the fencers, or ſouldiors, that combat is moſt cruell which is fought againſt a deſperate man that is ſure to die: no doubt but they that may not liue, will procure any murther if they can, for the death of others maketh them the leſſe to bewaile the life which they are readie to loſe; and where deſpaire is, there doth rage abound, becauſe the horror of death, filleth their courage with furie, & they reſemble certaine beaſts that bite thoſe weapons wherewith they are wounded, & being thruſt through, they make their wound the greater, that they might approch neere him that hath gored them. But how ſhould ſhe feare to belie one, that taketh a pleaſure to poyſon anie? Why will not ſhe effect my daughters death, that without anie cauſe wrought my ſonnes decay? But what ſonne? Truly euen he that might haue been beloued of euerie ſtepdame that had been leſſe wicked then ſhe, that cannot ſo much as loue her owne husband. But to do him a diſpight, ſhe hateth her owne daughter to death, and remembring that ſhe was a mother in law, forgetteth that euer ſhe was a mother indeed: let then the truth of the innocēt father be of more eſtimatiō thē the leaſings of the guiltie mother, ſeeing that in the extremitie of

death

death or torments, the wicked doe neuer ſpeake truth. For proofe whereof, a bondman that *Cato* had, being conuinced of theft, and tortured therefore, affirmed that *Cato* was acceſſarie to the theft, who was then better to be beleeued, the bondman and the torture, or *Cato*? In like ſort you are more to credit the innocencie of the daughter, then the malice of the mother.

The Anſwere.

THere are ſome beaſts ſo raging mad, that their yong ones are no ſooner brought forth, but they become as fierce as their dames, wherefore it is beſt to ſtrangle them while they are yoong; likewiſe the venomous hearb taketh his poyſon from the root, how much more then may this girle be wicked, being born of a mother ſo execrable, and ſo much the rather, becauſe the daughters doe alwaies reſemble the mother more then the father: how greatly then hath her wicked nature ben furthered by lewd counſell, with hope and ambition to be her ſelfe the ſole heire? Which was the principall occaſions, that this ſtepmother poyſoned your ſonne, and that the daughter conſented therevnto: wherefore it were no reaſon that ſhee ſhould eſcape puniſhment.

Declamation. 59.

Of the Prætor that cauſed the head of a malefactor to be cut off at the requeſt of a whore.

Flaminius

FLaminius *the Romane Prætor gouerning in France, ſitting at the table with a comman woman whom he deerely loued, ſhee ſaid vnto him, that ſhe had of long time deſired to ſee ſome man executed by iuſtice, but ſhee was aſhamed to goe vnto the common place of execution. Wherevpon he forthwith commanded a condemned priſoner to bee brought, and in the hall where he ſupped, hee cauſed him to bee beheaded in his preſence: the which deed was reported at Rome, wherefore a long time after* Cato *accuſed him of Treaſon againſt the Commonwealth, ſaying:*

THe enterludes, comedies, flatteries, whoredomes, and other trickes farre vnworthie a Romane Prætor, might verie well haue ſufficed, without further adding therevnto a ſpectacle ſo cruel, for the recompence of a banquet ſo laſciuious; It may be one only kiſſe of a minion, bought all the whole blood & life of a man, ſo that he might be iuſtlie termed a worſe hangman which ſat at the table to behold the ſame with pleaſure, then was he which ſmit of the head, perchance not without pittie: I doe not ſeeke to rip vp all the faults of ſo many yeares paſt to accuſe him, but that one onely night his act. It is more likely that he which beſtoweth much vpon a woman, would denie her the ſlaughter of a man, thē it is poſſible for him which granteth her the ſlaughter of a man, to denie her any thing; if thou wouldeſt whip a ſlaue, wouldeſt thou not carrie him forth of the banqueting hall? But who would euer haue beleeued that a whoore ſhould haue deſired to behold the hangmans ſword vpon the cupbord, and the table to be ſtained with humane blood: but yet who would haue thought

thought that euer any Romane Prætor could haue granted such a matter? Oh what an abhominable act is this? But what shall I say, seeing the Romane Empire hath ben in such sort blemished, and the law rather polluted, then the offender thereof punished? Forsake your graues, O you *Bruti*, *Horatij*, *Fabrity*, and all the rest of you who were the ornament of this Empire, alasse behold how your rods, axes, and other signes of office, haue ben abandoned vnto dishoneſt damsels onely to please them, and to make them sport: euery offence that is committed by a Magistrate vnder coulor of his authoritie, is more punishable then anie other fault; for the Magistrate is a spectacle for all other men, because all men doe marke and cast their eies vpon his acts, and this man whilest the beholders, the hangman, and the poore prisoner, stoood all looking vpon him, suffered both his owne eies, and vnderstanding to bee rauished by the lookes of an harlot. O earth couer this abhomination, to the end that it may be no more remembred.

The Answere.

IF hipocrisie or secret ambition did not more prouoke thee then doth the zeale of the Commonwealth, I suppose thou wouldest haue ben as slacke in accusing me, as thou knowest the same hath in no sort ben wronged by me, because the Commonwealth can no more bee disgraced by one mans folly, then it may be dignified by one alone mans forwardnes: but as nothing is well said which is not rightly vnderstood, so is nothing well done that is wrongfullie interpreted, otherwise I should be vntouched of crime, and you not vntaxed of slander. For

the

the Commonwealth is able inough to reprooue that which is not done according to reaſon and equitie, but alſo to reprehend whatſoeuer is vnprofitable for it. Haue not the Senat and people refuſed to hold thoſe agreements which were made by their Emperors or Generals, and ſent them bound vnto the enemies? If they haue not allowed the faults of two Emperors together, wherefore ſhould the fault of one onlie Prætor be laid vnto their charge? (If to execute a man by iuſtice may be termed a fault.) But what need you to inquire where or when ſuch a one did die that was worthie to die? You ſay that I haue ſlaine one; It is true: but whome haue I ſlaine, ſaue only a condemned man? You aske when and where? I anſwer that it was in the night, and in the common hall. And I doe aske you if anie time or place is limited wherein or where a malefactor ought to ſuffer? and although there were, yet who knoweth not that in the preſence or companie of a loſe woman, there is alwaies little good performed? and that the common hall or the priſon is no other then a place of horror and miſerie for offenders? But it hath beene an ancient cuſtome at Rome, that againſt ſuch as they cannot charge with any great crime, they would faine find out ſome ſmall occaſion of quarrell, like as they ſought to condemne *Brutus*, who did afterwards recouer their libertie, and ſo did they accuſe *Manlius* of inhumanity, *Silla* of crueltie, *Marius* of ambition, *Lucullus* of ſuperfluitie, and manie others of couetouſneſſe. But touching my deed, what art thou more thē the other Cenſors, that haue ben euer ſince the fault which thou chargeſt me withall, who haue neuer accuſed me therfore, not that they are any whit thy inferiors in wiſdome, or equitie, or that they are leſſe louers of the Commonwealth

wealth then thou, but because they could better then thou consider that it was not lawfull, and lesse reasonable to blemish so many worthie actions of our linage, for a small vanitie of one alone, who cannot yet bee said to haue done any act, either contrarie to dutie or against iustice.

Declamation. 60.

Of a man without hands that renounced his sonne, because he would not kill his mother being found in adulterie.

THe law saith, that if any man doe take his wife committing adulterie, it is lawfull for him to slay them both her and the adulterer, but yet it must be without deceit; likewise it saith, that the sonne may reuenge the adulterie for his father. Whervpon it happened that a martiall man lost his two hands in the wars, and as one mischance doth neuer happen alone, within a small time after he surprised his wife in adulterie, and finding himselfe vnable, he commanded his sonne to slay them, the sonne would not, whereupon hee renounced him for his heire, saying:

I Shall then by thy fault amongst all men bee he alone that hath neither pardoned nor punished adulterie; but who in this case will not imagine that either I had no sonne, or that my sonne had no hands? Yet my greatest griefe consisteth in this, that I know the contrary. Alasse, in finding the adulterers, I felt in good earnest how great a misse I had of my hands, alacke I lost them in the warres, and my sonne could not find his in

the

the houſe; wherefore I may ſay that he ſtood mee in as little ſtead as my ſword which I could not vſe. How ſhall he either vanquiſh the enemy,or defend his countrie,which hath denied the helpe of his hands vnto his father? When will he fight for vs, that could not fight for himſelfe? Get thee packing then with the adulterers whom thou haſt ſuffred to eſcape, and leaue me rather alone,then ſo badly accompanied. Thou ſaieſt thy heart would neuer ſerue thee to kill thy mother; why doeſt thou not alſo ſay that the adulterer is thy father, as I doe verily beleeue, and thou doeſt ſhew he is? Seeing thou ſoughteſt rather to pleaſe him in a matter vniuſt and execrable,then me in that wherin by the gods, law,and reaſon,thou wert commanded. Wherefore it cannot bee ſaid that I doe either renounce or diſinherit thee without a cauſe.

A very notable anſwere of the ſonne.

ALas,me thought it was in a maner all one to murther my father, as to kill my mother in his preſence; and as it was neuer allowable in a reaſonable man to be cruell,ſo were rigorous laws made more to terrifie all, thē to torment anie;for if the law be ſtrict, the interpretation thereof is large, and they ought to tend rather vnto clemencie,then crueltie: a great miſchiefe can neuer be appeaſed in cōmitting two others. Moreouer, the pleaſure of reuenge doth ſuddainlie vaniſh,but the contentment of mercie dooth neuer vade; ſo likewiſe dooth euery pittifull heart melt, in thinking vpon the horribleneſſe of murther,wherefore with the ſpectacle of a misfortune ſo ſuddaine, all my bodie became ſenceleſſe. You good father did lacke your hands,

but before I could recouer my ſpirits, I loſt al my members ; yet was the miſchiefe which you commanded more great, then all the miſerie which had happened was greeuous : pardon me then if I did not accompliſh your commandement, in a thing which farre exceeded my ſtrength and courage. A father pardoneth his ſon, if he refuſe to ſaile, becauſe hee cannot brooke the ſeas, & that his heart doth faint as mine did ; the like happeneth if his heart ſerueth not to goe vnto the warres, although he bee the ſonne of a warlike father ; for euerie man is not borne to manage armes. And it is to be conſidered for what intent the law ſaith that it is lawful for the father or the ſonne to ſlay the adulterers : Truly it was becauſe the lawmakers were not ignorãt that there were ſome men which either could not or would not kill one another ; what can I doe with all if we are both of the ſame number, you made by the warre vnapt, and I by nature vnable: wherein then can you blame me, ſauing that the adulterers are eſcaped, becauſe you were maimed and I amaſed or almoſt in a ſwound? If the fault then be common, why ſhould I for the ſame bee onely condemned?

Declamation. 61.

Of two maidens rauiſhed by one man, for the which the one required his death, and the other deſired him for her husband.

THe law permitteth a maiden that is rauiſhed, to chuſe either the death of the rauiſher, or to take him for her husband. Whereupon it chanced that one man defloured

two

two maidens in one night, so that the next morning the one required that he might die, and the other requested to haue him for her husband, wherfore she that desired his death, said thus:

WHo did euer see anie man saued for one offence, by the meanes of another fault farre more hainous? For if sinne proceed from humane frailtie, to persеuere in the same is a diuelish obstinacie; one defloured maid accuseth him, the other defendeth him: reuenge you our cause then O you iudges, let the seueritie of your discipline bee redoubled, seeing the crime is double: the people doe already secretly desire it, for he hath not onlie forced or rauished twaine, but I alone haue ben defloured by twaine, that is to say, by him that did the deed, & by her that would preserue him from death: must he be suffred to liue, that hath deserued to die twise? Had hee but deserued one death onlie, he should not liue anie longer, because no bodie would haue defended him; but this woman would vnto our shame verifie the Prouerb, which men do impose vpon our sex, saying, That women are selfe-willed, and that they do alwaies chuse the worst. If thou haddest ben the first that had ben forced, I doe hardlie beleeue that thou wouldest haue desired him for thy husband. To conclude, as thou canst not sue anie further in his behalfe, saue onely that thou maiest not bee depriued of thy choice; so also canst thou not abridge me of my request: it is in thy choice to saue his life for the fault he hath cõmitted against thee, but thou canst not command his life for the iniurie done against mee, seeing that I was first wronged, let me be first reuenged, and afterwards thou shalt wed him if thou wilt,

The Answere.

THou saiest that thou wert the first that was wronged, I doe not know so much, and therefore affirm that it was I; or if I were the last, thē was mine the greater wrong: for that which hee did vnto thee, may bee excused, either by loue, or necessitie; but what hee offered vnto me can be no better tearmed then insolencie, malice, or disdain, seeing that then his greatest heat was past: neuertheless, considering that clemencie is more naturall vnto our sex then crueltie, I say that where the prerogatiues or claimes are of equal force, there is more respect to be had vnto humanitie then rigor: and if you alleage vnto mee the examples of *Lucrece* and *Virginia*, I will in like sort alleage vnto you the Sabines, and others, no lesse honest but more discreet, and the greater number, from whō hath proceeded greater good, witnesse so many worthy Romanes issued from them. His death can serue to no other end, but to eternise the memorie of our infamie, either by the publick or secret reuenge of his kindred: neuer did any mans death profit a woman. Lastlie, if thou thinkest that thy honour deserueth his death, I answere that mine is not vnworthie of his life, and I beleeue that the iudges will affirme my wish to be more iust then thy will.

Declamation. 62.

Of him that his father did disherit, because he went vnto the wars.

THe priuiledge of the war was that he which had ben thrise a conqueror, should bee freed from going to the warres any more. Whereupon it happened that a certaine Romane, which had beene thrise a conquerer, would returne vnto the warres against his fathers will. Who seeing that hee would needs goe, did for his obstinacie disherit him, whereunto the sonne pleaded in this sort.

FIrst I am bound vnto God that hee hath made mee three times victorious; and next vnto him, am I bound vnto my countrie, for the loue which I haue born vnto it hath ben the cause that I did fight and got the victorie; wherefore after I haue performed my duty vnto these twaine I will obey my father in all things, who ought not to be against the publick good, and my glorie: it may be that he himselfe hath not ben thrise a conqueror, wherefore it is requisit that I should supplie his default, or my childrens defect, who peraduenture shall neuer be of such desert; but why would you dissuade me from fighting after the obtaining of three victories, Seeing that they doe yet fight whome I haue thrise vanquished? As the Senator which is past threescore yeares of age, may chuse whether he will come to Counsell yea or no, and yet such as are much older do notwithstanding come thether so long as they liue, so is it lawfull for me to goe vnto the warres, when honor commandeth me, as oft as I list. In that which is past, I haue done no more then my dutie, and therefore I deserue no reward, but that which hereafter I shall doe of free will, shall merit a recompence. You would haue him to be idle, that neuer loued ease; you see the danger wherein we stand, all the Cittizens doe fixe their eies

vpon me, and to speake the truth, the Commonwealth doth yet owe me nothing for my passed victories, seeing that it could not excuse me from the battaile, but now the same law shall allow it to be desert, which before did appoint it a dutie. Seeing then that what I do is but for your profit and honour, why should you disauow me for your heire, mee I say which will fight to maintaine your life, your house, and the inheritance which you will take from me.

The Answere.

THou doest acquit thy selfe towards God and thy countrie in obeying thy father in a matter both lawfull and reasonable, for the Commonwealth hath as great need of pittifull and obedient men vnto the lawes, and their Parents, as it hath of such as are valiant, wherefore thou art bound to be both the one and the other; thou art alreadie knowne to bee valiant, bee thou then likewise knowne to be pittifull, obedient, and louing towards thy poore father, who shall die if thou shouldest miscarrie by thy ouer boldnesse. Doest thou thinke to be victorious in fighting against the law and the will of thy father? No, for God is too iust. *Aeneas* was not so much praised for all his heroicall deeds, as he was commended for louing his aged father, and for preseruing him from the Troian fire. Doest thou wonder if thy father be no lesse carefull for the safetie of thy person, then the law is which forbiddeth thee to hazard thy selfe anie more in the like perill. I had rather to renounce thee suddainlie, then hauing lost thee in the warres, to be attached with a double sorrow: it is therefore in thy choice to remaine my sonne or no. It is a far

greater

greater vertue to bee able to containe thy ſelfe within thy bounds, then to periſh in this battaile: thou ſhalt go in greater danger to loſe thy gotten reputation, then to inlarge thy future renowne; therefore thou being my ſonne no longer, my griefe ſhall be the leſſe.

Declamation. 63.

Of him that appeaſed the father of a maiden whom he had rauiſhed, and yet could not pacify his own father.

THe law commandeth, that if any man do rauiſh a virgin, that he ſhould die therefore, vnleſſe that within thirtie daies hee doe both pacifie or appeaſe the next of kin vnto the ſaid damſell, & likewiſe the neereſt of kin vnto himſelfe. Whervpon it fell out ſo, that a certaine yoong man rauiſhed a yoong virgin, and before the prefixed tearm he had thorowly appeaſed the maidens father, but yet his owne father would by no meanes be ſatisfied, wherefore he accuſed his father to haue loſt his wits, ſaying:

HOw can that man bee ſaid to haue his vnderſtanding, that is more cruell vnto his owne ſon, then is he that hath been offended? There is no beaſt in the world ſo fierce, that ſeeketh not to preſerue that which it hath engendered; whereby it appeareth that thoſe which do otherwiſe, may be iudged to haue leſſe vnderſtanding then brute beaſts. If you thinke that I haue wronged you in not comming rather vnto you as to him whom I was moſt bounden vnto, then vnto the

virgines father; You must consider that it was because he was more wronged then you, and that I iudged you more pittifull then he, and hee harder to bee entreated then you But alasse infortunate that I am, I haue found mine enemie more fauourable then mine owne father, so that I know not what els to say, but that amongst such men as haue their wits, the loue of the father doth alwaies exceed the sonnes follie. If it please you to saue my life, or if your cruelrie bee such as you loath to see me liue, speake, for the time is at hand: But I grieue not so much to die, (if you haue lost your wits) as I sorrow for the perpetuall mone that you will make, in that you haue ben the abridger of my daies, when as time more then reason shal haue mittigated your choler, and restored your vnderstanding, whereof now I may well say you are depriued, or at the least that the lime is mightily deminished.

The Answere.

THou saiest that the maidēs father was more wronged then was I, I graunt it, yet canst thou not likewise deny but that I haue greater cause of offence thē he: for thy force did take away the maidens shame, but I shall bee euer dishonoured to haue begotten a son so dissolute, that hath displeased his father, wronged a Cittizen, defloured a virgin, defamed his stocke, and giuen cause of offence vnto the Commonwealth. It is thou that wantedst thy wits, seeing thou couldest not know that at one instant thou shouldest not haue committed so many mischiefes together; and most mad thou wert, if in knowing the same thou couldest not shun the same, but heaping one offence vpon another,

thou

thou wouldest slander me to haue lost my wits, whereby it appeareth that as vertues, so are vices linked together. Thou accusest me before I haue condemned thee, the tearme is not yet expired, I do very well know that thy life and death are yet in my choice: Haue I then lost mine vnderstanding, wherfore doest thou tremble? why doth thy tongue faulter? For what cause are thine eies troubled? The thirtieth day is not yet come: but wherefore wouldest thou that anie man should pittie thee, seeing thou wert pittilesse vnto the damsell, who when thou diddest rauish her, shewed no lesse sorrow then thou doest now? Wherefore couldest not thou consider what vice is at the first, as well as at the last, which is alwaies a present pleasure, but a parting paine, leauing alwaies either some scourge, or at the least a moste sound sorrow accompained with a horrible fear? but although I should leaue thee thy life, dost thou thinke to remain vnpunished? will not thin own consience torment thee far worse then any hangman would? Nay why should I graunt that vnto mine enemie, which I haue denied vnto my sonne? For seeing thou accusest me, thou canst not be rightly tearmed my friend, much lesse my sonne. Is it to be wondered at if I rest doubtfull, seeing that the law it selfe hath neither determined thy death, nor concluded thy marriage? Thou hast alwaies behaued thy selfe as if thou haddest ben allowed to doe anie sinne, thou hast not yet intreated me as thou oughtest, but hast rather requested the other his friendship then my fauour; and hauing first appeased his furie, thou afterwards thoughtest assuredly to constrain me to winck at thy fault. Would a foole consider thus much? Tel me then wherin I am a foole: Haue I liued badly, or committed such follie as thou hast?

haſt? Haue I forgotten the lawes? Haue I not counted thy daies? Can I not prooue wherefore thou art vnworthie of my fauor, demanding it after ſuch a faſhion? I haue conſulted with our kinred, I haue deuiſed with our friends, alaſſe what paines haue I taken, to perform a fathers dutie. Ah me moſt miſerable, ſeeing that my anger is ſo iuſt, that I cannot yet forget it. I do not wonder although thou haſt appeaſed the maidens father, for it is eaſier to pardon an iniurie then a crime, yea when he came to entreat for thee, his kindneſſe did the more harden my heart againſt thee, for me thought that a man ſo honeſt ought in no ſort to be harmed: thou telleſt me that the time is ſhort, how then couldeſt thou find ſo much leaſure as to accuſe me? Doe men appeaſe their miſdeeds after ſuch a manner? Is that the way to obtaine fauour? Doeſt thou now thinke it fit to entreat? But tell me wherefore am I beſides my wits? Is it becauſe I haue not pardoned thee? The time is not yet paſt, I may yet pardon thee, although thou art vnworthie, ſeeing thou accuſeſt mee before I haue hurt thee.

Declamation 64.

Of the husband that did put away his wife, who being tortured, did yet ſaue his life in not confeſſing that he pretended to murther the Tyrant.

A Tyrant being ſuſpitious that a Cittizen pretended his death, cauſed him to be apprehended, and committed him to priſon, and there tortured him, to cauſe him to confeſſe his conſpiracie, and who were his confederats,

rats, but the Cittizen would not confesse any thing, whereupon the Tyrant did also cause the Citizens wife to be tortured, who in like sort would confesse nothing, wherefore they were deliuered and set at libertie. Within a short time after the said Cittizen killed the Tyrant, and being greatly rewarded and honoured by the Commonwealth for the deed, he put away his wife as one that was barren, because she had ben fiue yeares with him, and neuer conceiued anie child. For which cause shee accused him of ingratitude, saying:

THat which the Tyrant was vnwilling to doe, hee that killed the Tyrant would doe, to shew himself more vniust then was hee; hee would frustrate our marriage, which at his owne request and intreat was solemnized, and to manifest his ingratitude the more, hee would needs stay vntill he stood indebted vnto mee for his life: if he ment to forsake me, he should haue put me away before I had ben tortured for his loue, the which torture is cause of my barrennesse. Ô miserable woman that I am, seeing that my kindnesse hath procured mee care, and my good deeds turneth vnto my decay. Is it not verie well knowne, that the constancie of my courage, and the silence of my tongue, haue ben the onely ouerthrow of the Tyrant; I then being the cause that the Tyrant can no more break the marriages of others, why should mine be suffered to be broken. But who is ignorant, that during the Tyrants life, the barren were esteemed most happie, because they could not see their children rauished at the Tyrants pleasure? True it is that I haue borne no children for the Commonwealth, but I dare affirm, that I am the cause that manie are and shall be borne, and that henceforth there shall bee no more taken from it. The Tyrant suspected my husband

his

his intention; becauſe either hee had diſcloſed ſome-thing, or els his countenance or behauiour diſcouered his pretence, but yet in anie ſort hee cannot complaine of his wiues tatling, no not when ſhe was in her extreameſt torments, I had alwaies more reſpect vnto my husband that was abſent, then vnto the Tyrant who was preſent, being more carefull of his health then fearefull of mine own hurt. But who can expreſſe all the preparation that was made for inſtruments of crueltie (able inough to daunt the courages of many men) to terrifie the conſtancie of a feminine heart, the whips tearing my fleſh, the fire, the yron ſhoes, the whot egs vnder mine armholes, the buskins, the treſtles, the pullies, the cords, the napkin, water, oile, and the hangmen: yet all theſe together could neuer draw one onely word from me to the preiudice of my husband, but proning by liuely reaſons, the contrarie of all that was of me demanded, I was the cauſe of his deliuerance: wherefore doth he vaunt that he hath ſlaine the Tyrant, ſeeing the ſame was more eaſie for him to accompliſh, then for me to indure ſo manie torments; for I haue ſuffered whatſoeuer ancient cruelty was able to inuent, & that which this preſent age might poſſiblie ad thervnto: what ſhall I further ſay, but that the hangmen were wearie and tired, and the Tyrant himſelfe was tormented at my tortures. Hauing then bought with ſuch exceeding pains, life, honour, glorie, and riches for this ingratefull man, why would he put me away, to take a richer wife? For one more noble he cannot haue, if that be true nobilitie which proceedeth from vertue. O how plainely doth it appeare by him, that abundance engendereth auarice, which is the root of all vice, and enemie to all vertue, as he doth very well declare: for when he was more poor,

and

and lesse wealthie, then had he more pittie, and lesse wickednesse. But what is this fellow that would prescribe nature a law, and appoint the times wherein a woman should conceiue? Must hee be like vnto God? Doth he not yet know that he is worse then a beast that would be better then a man? Must he be so presumptious? Consider onely that if you are worthie to bee honoured, I deserue not to be hated.

The Answere.

YOu might haue iust cause to reprooue mee for your torment, if I had not reuenged your torture; if you did know that I intended to slay the Tyrant, and you neither did reueale nor confesse the same, you must not thinke that I am anie whit then more bounden vnto you for it, for it is no good deed to abstain from doing ill, but to perseuere in doing good: and I doe verily beleeue that you were ignorant of my intention, for I neuer made you acquainted with anie thing, not minding to trust a pratling woman (whose nature is to keepe nothing but that which shee knoweth not) with a matter which was only worthie of the aduice of a manly courage, both graue, sound, and wise, the which parts I did then know to bee vtterlie wanting in you. Nay I may trulie say that before your torments, I neuer determined to kill the tyrant, but your sustained wrongs inforced me to seeke reuenge. But although you had heard something and disclosed it not, yet was the same no good turne, but fidelitie; in like sort if you had but confessed neuer so little, you should haue beene worse tormented to haue gotten more matter from you, and you had been deemed the more guiltie in not reuealing the deed

deed before you came to the torture. Wherfore in confeſſing anie thing, you could not but prolong your paines and ſhorten your life, you haue then done more for your ſelfe then for me. Hauing then done nothing for me, I cannot be beholding to you; not being beholding to you, I cannot bee called vnthankfull; and the rather, becauſe I do not wrong you in putting you away, ſeeing it is not becauſe I diſpiſe you: but you muſt know that *Cato* in his old age was married againe vnto a poore yoong maiden, whervpon his ſonne demanding of him why hee gaue him a mother in law? He anſwered: My ſonne, it is not to offend thee, but to giue vnto thee more brethren as victorious as thy ſelf, to the end that you may altogether profit the Commonwealth. So mine intention is to beget children, which (as I haue ſaid) may one day bee profitable vnto the Commonwealth. Suffer me then to haue that of another which I can neuer hope for of thee, and let the good and profit of the Commonwealth be preferred before our owne pleaſure; for we ought not to be born for our owne commoditie, but for the good of our natiue countrie, and thoſe which doe otherwiſe thinke, may not onely ſay that they are vnborne, but that they are vnworthie to be borne: I would not then that you ſhould bee of the ſame number.

Declamation. 65.

Of a rich man that died for the loue of a chaſt woman, vnto whom he bequeathed all his goods, whervpon her husband accuſed her of adultery.

IT chanced that a certaine man hauing a paſſing faire wife, left her alone at home, and he made a voiage to Ieruſalem: In ſo much that there happened a verie rich marchant being a ſtranger to come and lodge hard by this fair womans houſe, ſo as the ſaid marchant became in loue with her, and ſending her ſundrie great preſents, he ſolicited her to loue him, but ſhe refuſed his preſents three times, and being thereby fruſtrate of all hope to ſpeed, the ſaid marchant became exceeding ſicke, bequeathing all his wealth vnto this faire wife, adding theſe words vnto his teſtament: Becauſe I haue found her chaſt and modeſt. He being dead, the faire woman receiued the riches and goods, her husband is aduertiſed thereof before he come home to his houſe. Whereupon hee became ſo ſuddainly iealous, that at his return he accuſed his wife of adulterie, ſaying:

THou canſt not denie but that either in deed or thought thou art an adultreſſe, for theſe riches doe witneſſe againſt thee; I will confeſſe one onely point, which is, that my abſence might haue beene the cauſe thereof, but now it muſt be conſidered what a wife you are vnto me, & what an husband I haue ben vnto thee: haſt thou euer wanted anie thing? Or didſt thou feare that thou ſhouldeſt want? What haddeſt thou then to doe with theſe riches? But who knoweth not that the moſt women are ſooner ouercome with couetouſneſſe then loue? Diddeſt thou not know alſo that continency and concupiſcence are the two keies of womens honors? for by the one it is preſerued, and by the other it is polluted. Wherefore euery woman of worth ought

to

to behold nothing but the earth, & ſometime her husbands face, for feare leaſt ſhe ſhould deſire ſome other thing, & vnto euerie ſtranger ſhe ought not only ſhew her ſelfe baſhfull, but vncourteous, faining to bee blind and deafe: for loue entreth in by the eies, and is conceiued by the eares; alſo by a womans countenance, either a deniall or a conſent is a great deale ſooner and better perceiued then by her tongue, they which make a ſound deniall at the firſt, are neuer importuned the ſecond time, much leſſe the third time. Who will euer beleeue that anie man would haue left all his goods vnto a woman becauſe hee found her contrarie to his wiſh? If he were ſo glad to find her chaſt, why did hee ſolicite her to bee immodeſt? It is a great follie for anie man to ſeeke for that which he would not find: Who may not ſay or thinke that this our age is void of all ſhame? Seeing that a ſtranger witneſſeth the chaſtitie of a woman towards her husband before hee is required: ſhee that feareth not to be thought an adultereſſe, wil neuer be aſhamed to be one indeed; for opinion gouerneth all things at her pleaſure, and if ſhame or feare of infamie did not reſtraine ſome more then another, there would not be one good woman: for ſhame ſerueth as a bridle to the immodeſt, and as a guide vnto the chaſt. What will bee ſaid, if all the world will affirme with me that thou art diſhoneſt, Except one man onely, and he but a ſtranger, which ſaith thou art chaſt? wherefore the praiſe which hee giueth thee, and the falſe teſtimonie which he alleageth for thee, doth as much harme thee, as my true accuſation doth hurt thee. A goodlie matter no doubt, when no man aſſureth mee of my wiues honeſtie, but a common whorehunter: he ſaith that thou art to thy husband conſtant, and I affirme the contrarie,

who

who is more worthie to bee beleeued, a Cittizen or a ſtranger? A husband, or a whoremonger? Imagine (O you Iudges) that if this womans ſhame were not too apparent, I would rather haue diſſembled it, then haue brought it to this extremitie: for he which diſcouereth his wiues faults doth but ſhame himſelf: but I remember that notwithſtāding that *Cæſar* could not get *Claudius* to be conuinced of the adulterie wherewith he was charged, for being found in *Cæſars* chamber in womans apparrell, yet did not he let to put away his wife, ſaying, That it behooued *Cæſars* wife not onlie to be free from ſhame, but from ſuſpition. Wherfore there is no reaſon that I ſhould keepe her that is publikely defamed.

The Anſwere for the woman.

THat woman which is either beloued or courted, is not to be deemed therfore the leſſe chaſt, for a womans reputation and good name depends neither vpon the malice nor follie of men, who doe alwaies moſt deſire thoſe whom they haue leaſt hope to obtaine, modeſtie being the ſpeciall reaſon that prouoketh a man to fancie a woman; therefore they affirme that beautie doth onlie ingender luſt, but vertue is it that moſt winneth loue: and like as vertue is neuer knowne but when it is tried, ſo alſo doth it moſt appeare in the reſiſting of vices. But what can a woman doe withall, if men doe loue her, or if they bee vicious or importunate? It is impoſſible to hinder anie one from louing, eſpeciallie ſeeing the Philoſophers affirme, that the firſt motions of our owne paſſions are not in our power, but afterwards they may be brideled by reaſon: what power then haue wee ouer another

mans paſſions? Concerning the teſtimonie of the teſtator, there is more likelihood of truth therein, then otherwiſe, for if the truth be euer ſpoken, it is when wee muſt forſake this falſe world: and it is to bee ſuppoſed that he bequeathed his goods vnto her, as well becauſe the womans chaſtitie had not onely increaſed loue in him, but alſo had conuerted the ſame into holie loue; for the conſtancie of the woman, changed the mans vice into vertue, ſo that by this good deed hee thought to requite the bad opinion which hee had wrongfullie conceiued of her, before hee did throughly know her. Wherefore I will onely ſay that if ſhe be to be blamed for her beautie, nature is the cauſe; if in that ſhe was alone, her husband is to bee condemned; if for being courted, the louer was culpable: ſhee did denie his requeſt, in that ſhe was chaſt; he made her his heire, therein was ſhe happie; ſhe accepted the inheritance, therein ſhe did wiſelie: whervpon ſhe cannot be ſaid to be faultie in any thing, but it is your ouergreat proſperitie that hindereth you from taſting the ſweetnes of her vertue.

Declamation. 66.

Of him that cauſed his eies to be pulled forth, to gaine tenne ounces of gold, the which was refuſed to be giuen vnto him.

IT was the cuſtome of a certaine Commonwealth that euery Cittizen which was fallen blind by miſchance, ſhould out of the common treaſor bee allowed ten ounces of gold for his maintenance. Whereupon it happened that tenne or twelue diſ-

ordered Cittizens which wanted meanes to maintaine their accuſtomed riotous cheare, caſt lots amongſt them, which of them ſhould haue his eies pulled forth, to the end that hee might receiue the abouesaid ſumme of gold to ſpend vpon good cheare amongſt them: It chanced (as oftentimes it falleth out, that wicked counſell is moſt hurtfull vnto him that giueth it) that the lot fell vnto him that was the inuenter of this wickedneſſe: Wherefore the reſt tooke him by force, and pulled out his eies, and ſent him vnto the Magiſtrate to demand the tenne ounces of gold, but the Magiſtrat being aduertiſed of the manner of the fact, would giue him nothing, ſaying:

HOw long haue you been blind? By what chance loſt you your ſight ſo ſuddainely? Was it by doing anie good ſeruice for the Commonwealth? I am aſſured it was not, for it ſhould be contrarie to thy cuſtome, becauſe thou neuer diddeſt anie, vnleſſe thy follies and diſorders ſhould be accounted for ſeruice, ſo that firſt it may be aduouched that thou art no Citizen, for the honour of that name belongeth onely vnto the vertuous, therefore ſuch as reſemble thee may bee iuſtlie tearmed the ſcumme and reproch of the Commonwealth. Moreouer, I am not ignorant that thou diddeſt ſuffer thine eies to be plucked out, that thou mighteſt with thy companions continue as long as you could that beaſtlie life which you haue begun, therfore both thou and they deſerue double puniſhment, they for pulling out thine eies, and thou for ſuffering them, for it is to the preiudice of the Commõwealth, the which if thou haddeſt thine eies might if need were haue imploied thee as a pyoner in the wars, or to doe ſome ſuch thing, but now the beſt that can bee done with thee, ſhould be to hang thee vp, to the end that thou mightſt

no trouble vnto others, but rather ſerue for an example vnto all. Likewiſe it is to bee conſidered, that the law ſhould bee vniuſt if it ſhould make men blind of purpoſe; the law was made to comfort the afflicted, but not for to buy them; miſerie needeth not to be bought, being alreadie too abundant: therefore it is better to refuſe our liberalitie vnto one, then to [illegible]e the cauſe that many others ſhould make themſelues blind: we releeue thoſe which for their blindnes haue need of releife, but not thoſe that plucke out their owne eies, becauſe they would be releeued.

The Anſwere.

AS it is not the Magiſtrats office to increaſe the affliction of the afflicted, ſo likewiſe ought you not to wrong him that requireth but the performance or decree of the law, which ſimply ſaith, that euerie Cittizen being blind, ought to haue ten ounces of gold. Wherefore am not I a Cittizen, ſeeing I was neuer reproued by iuſtice, or noted of infamie? Alſo I haue wronged none but my ſelfe: if I haue waſted my patrimonie, I onlie ſuffer therefore, and diuers Cittizens haue beene profited thereby: I haue not then done the Commonwealth anie wrong in profiting manie. As for the loſſe of mine eies, my meaning was not that anie mans eies ſhould haue beene pulled out, but that the lot ſhould haue ben caſt by way of paſtime, onlie to laugh at him vpon whom it ſhould light, but lighting vpon me, they pulled out mine eies by force: wherefore there is great reaſon to puniſh them for the wrong which they haue done vnto mee, but yet ought not I to loſe that which the law hath allotted mee: if *Democritus* bee praiſed of

many

many for pulling out his eies, that hee might the better wade in the contemplation of Naturall Philosophie, why should I be blamed although I had voluntarily suffered mine eies to be plucked forth that I might the better abstaine from vices? Take it then which way you list; I ought not to be denied the tenne ounces of gold, seeing that I am a Cittizen, and haue lost my sight either by force or willingly.

Declamation.67.

Of the forsaken sonne who first would and could not, and afterward might and would not returne vnto his father.

A Man forsaketh or disheriteth his son, who went vnto the warres, and returned home a conqueror, wherefore he demandeth for his reward of the Commonwealth that his father might bee compelled to receiue him into fauour againe. But the father being vnwilling to bee compelled to receiue his sonne, defended himselfe so well, that he was no more vrged thereunto. Yet because he was very desirous to haue his sonne againe without being constrained, but rather that his sonne might acknowledge it meerely to bee his beneuolence: he went also vnto the wars, and returning with conquest, requesteth for his reward, that his sonne might returne vnto him; and if he refused, that he should be inforced to come home againe, and obeying his father, receiue his inheritance, the son would not. Whereupon the father summoned him to the law, and in the presence of the iudges said thus:

MY victorie is more famous then thine, for after that thou hadst vanquished, wee had yet cause of further warre, but my conquest was the vtter ouerthrow of our enemies, the end of all our warres, and the assurance of our Commonwealth. But although it had not ben so, yet what art thou? who begot thee but I? Say that I haue not made thee worthie to retuin home vnto me, yet these eies, these hãds, this bodie, these feet which thou hast, haddest thou thẽ from anie other then me? The courage, wisedome, yea and this stoutnesse which thou now shewest, takest not thou the same from my nature? For if a villaine had begotten thee, thou shouldest be like vnto him; as for example, the Eagle engendereth not a doue, nor doth a lion beget a hare; wherefore one of these two must be granted, either that I am worthie of reward, or that I am vnworthie to haue anie at all: If I bee worthie, then my reward is, that thou returne home againe? If I deserue none, restore vnto mee all those aboue rehearsed graces which thou holdest of me. Thou wilt say, I could not obtain the same reward which thou demandest; in saying so, thou wilt but renue the quarrell for which I did renounce thee, which is, that thou wouldst neuer acknowledge the preheminence that in al things I ought to haue ouer thee; but if thou shouldest be beleeued, thou wouldst take vpon thee the authoritie of thy father, and yet thou knowest not how to loue me so well as a son. O my child thou knowest not what it is to bee a father, I would giue thee that which thou hast especiallie required for thy reward: Thou maiest say, I will not be at your discretion to bee cast off some other time when you list: in saying so, a man may iudge that

thou

thou desirest to giue me the like occasion. Doest thou not know that a father neuer forsaketh his sonne, without feeling far greater griefe then doth he which is forsaken? But comming againe vnto both our deserts: I haue behaued my selfe more valiantly in the wars, from whence although the aged are especially exempted, yet haue I ben therein imploied, therefore it is a question whether thou hast ben a conqueror or no? thou hast exercised thine age, but I haue ouercome mine age; thou hast made war, but I haue finished the warre; I did not onlie fight valiantlie my self, but by my aged manhood did greatlie animate the courages of yoong men, therefore it may be said that I deserued a double reward; be thou then the recompence of my valor. I haue foughten being old, I haue aduentured that litle blood which I had left me to gain thee. Alasse how farre besides our selues are we both twaine, seeing that when wee are requested then we doe refuse, & being refused, we would with all our hearts enioy that which wee are denied, I had not so soone renounced thee, but I did as speedilie desire to reuoke thee, if I had not ben assured that thou wouldest neuer acknowledge anie good turne to come from me; but doest not thou compell me to bee suspitious, whē thou wilt not return vnto thy fathers house, vnlesse it be by thine own authoritie, or after a boasting manner? Consider only how much more honorable it is for thee to return at mine instance then at thine own.

The Answere.

YOu are not to augment your victorie to the preiudice of mine, in doing whereof you wrong your selfe, and so much the rather, by how much you

confesse that the valor of men redoundeth to the glorie of those that ingendered them, so as in like sort the vicious sonne can bee no other then a reproch to his father and mother, wherefore it was said that *Agrippina* was worthie of that cruell death which she had, onely because she brought forth so vild a sonne as *Nero*. Also it cannot bee died, that my victorie was lesse famous then yours, which by mine became the more easie, because he is easilie vanquished, which hath been once ouercome. But setting all this apart, because vnto the iudges I would not bee so troublesome as you haue beene tedious, I will onelie say thus much, that of a free man, I desire not to become a bondman, in as much as none can constraine a valiant man vnto anie thing against his mind; and seeing that you haue renounced me, I am no more your sonne, but if you deeme mee so, either there is no reason to reward you with that which you affirm to bee your owne, or els it is more reason that my victorie which was the first, should first rewarded by my return vnto you, and afterwards demand what you think best for the recompence of yours.

Declamation. 68.

Of a maiden who being rauished, did first require her rauisher for her husband, and afterwards requested his death.

The law is so, that a maid being rauished may either demand to be married vnto the rauisher, without bringing him anie marriage good at all, or els she may cause him to die. Whereupon it happened that a yoong maiden being rauished, accused him that rauished her, and required him

for

for her husband, but he denied the fact, and affirmed that hee neuer knew the maiden, yet shee found the means to proue him guiltie, and hauing conuinced him thereof, shee would not then marie with him, but sued that he might die. Against the which he pleaded thus:

THou canst make thy choice but once, and the rather, because I doe not yet know whether that which I alleaged in my owne defence was more to saue my life then to salue the law, which being once corrupted, would be farre more preiudiciall vnto others then vnto me, who if the worst doe chance, can haue but a bad choice, when I must be constrained either to marry such a one as desireth my death, or els die for one whō I loued too dearely. Thou art not only the procurer of my shame, but also of my slaughter; for the scaffold, the hangman, the sword, the bands, and lastly my death, are all readie prepared for mee, and that onely by thy meanes. Will not al men (thinkst thou) say these are too manie euils to be borne at one time, vnlesse thou mightest be likewise a partaker therof? Doost thou not know that ouerferuent loue depriueth a man of his vnderstanding? And that the law neuer punisheth those that offend for want of wit? They then are to be punished that offend through malice or hatred, and not such as sinne through want of discretion, or too much loue? Thou seekest my death because I denied the deed, but I say my deniall maketh me more worthie to be excused, for thou canst not say but that it proceeded either for want of remembrance of the deed, being void of sence when I did it, or els because I was sorrie or rather ashamed for mine offence; wherefore if the worst doe happen, the one cause freeth me from punishment, and the other

other maketh me worthie to bee pardoned, seeing that to euery noble heart, sorrow, shame, and repentance for misdeeds, are three punishments more worse thē death, which doth speedilie free vs from all miserie, and impossible is it for anie man to escape it, how soone or late soeuer it commeth ; nay rather in prolonging of our liues we lengthen out our miserie. But I pray thee tell me, seeing thou hast chosen me for thy husband, am I not the same? Wherefore then wilt thou kill thy husband, when thou meantest to saue thy rauisher? Therfore I may say that herein thou resemblest the shee wolfe. When thou diddest demand mee for thy husband, thou diddest not then know me to be honest and shamefast, or that I would doe my best to conceale thy shame and my discredit : and now thou hast tried mine honestie, thou seekest mine ouerthrow : so that it seemeth thou art more angrie in that I am ashamed of my follie, then thou art aggreeued with my fault : why art thou angrie? Doest thou not know that loue, wine, and women, do make the wisest witlesse? as *Salomon*, *Sampson*, *Hercules*, *Lot*, *Noe*, and an infinit number besides doe witnesse: likewise the night is void of shame, so that it is lawfull by day to denie the faults of the darke. Thou diddest chuse me for thy husband, therefore thou maist not reuoke thy choice, nor the iudge his sentence ; nothing can be more politick or profitable in a Commonwealth, then the performance of euerie sentence that is giuen, and the obseruation of ancient lawes. Whereby I conclude, that if thou be permitted to chuse twice, the law is false, for neuer did anie maid doe the like, then seeing thou art no better then others, thou oughtest to obtaine no more then they.

The maidens Answere.

IKnowing thy malice, and that he which is not ashamed to commit a fault, wil neuer be ashamed to denie the fact, did not chuse thy death which thou deseruedst, but thy wedding, whereof thou art vnworthie; thereby to make thee acknowledge thine offence, the which thou wouldest neuer haue done, haddest thou not ben conuinced by most apparent witnesse: so that it cannot be said that thou meantest to hide my discredit, but rather to make it more euident by the testimonie of diuers, and thou diddest not care if I had been found a lier. They which are ashamed, sorrie, or repentant for their misdeeds, haue not the face to denie so audiciouslie their misdemeanors; but thereby it appeareth, that before thou diddest commit the fact, thou thoughtest to escape by thy falshood. My choice was of no value, seeing the crime was not verified, neither art thou my husband, seeing by thy deniall thou hast affirmed that I had no action at all to demand thee, I do craue then the death of the malefactor, that would not take the aduantage of my mercie. Likewise the law maketh no mention how manie times I am to make my choise, but onlie that I may chuse the one or the other, must not the choise for the offence be effectuall: it hath not yet been because that hee himselfe would not haue it effected; I haue not then chosen, but indeuoured to chuse, if hee had not by his deniall hindered my choise. Yet now seeing the deed is no more doubtfull, I doe chuse his death, as well because in going about to proouc my allegation false, he sought to take away my life, or to taxe me with double infamie: the iudge cannot giue away

my

my right, therefore in cauſing him to die, he ſhall ſatiſfie thoſe points which he ſaith are requiſit in a Commonwealth.

Declamation. 69.

Of him that would be paied for his houſe, wherein a Tyrant was burned.

A Tyrant ſeeing that he was beſieged in his caſtle or fortreſſe, fled vnto a Cittizens houſe to hide himſelfe. Some one of the tounſmen being aduertiſed thereof, burned the houſe and the Tyrant within it, for which deed hee obtained both the honour, gained the reward belonging thereunto, and likewiſe receiued many preſents and gifts from the citizens. Which when hee whoſe houſe was burned did perceiue, he required to be ſatisfied for his loſſe by him that ſet it on fire, but the other refuſed to pay him any thing at all, ſaying:

WHerefore diddeſt thou receiue the Tyrant? Why couldeſt thou not driue him foorth, or ſlay him? What was the reaſon that hee fled to thy houſe rather then to another mans? What cauſe had he to think himſelfe more ſure in thy weak cottage, then in a ſtrong caſtle? Why doeſt thou eſteeme thy houſe better then the Commonwealths benefit? Muſt you that neither killed the Tyrant, nor yet reuealed nor brought him forth that he might be ſlaine, be partner of the reward? I affirm, and do verily ſuppoſe that thou bewaileſt his death, and it is verie likely that either thou waſt his friend or his ſeruant: at the leaſt thou canſt not denie but that thou waſt his hoſt, yea, and I aſſuredly

redly beleeue that thou didst watch of purpose to saue him from perill: a mã might easily accuse thee to be one of his confederats, and that thou diddest offer him thy house, seeing that therein he thought himself more sure then in anie other house besides. It were farre better that one hundred houses much fairer thẽ thine should be vtterlie lost then so vild a Tyrant as he should be yet liuing. Nay it were better to see a citie quite raced down to the earth, then the Cittizens should bee continuallie spoiled by tyrannous crueltie, without all hope of amendment. Seeing then that for the common good so great losses are so sleightlie regarded, there is no reason that thy pettie losse should be in anie sort recõpenced, especially because thou canst not say that thy hurt came by me, but by the Tirant, and no way better canst thou excuse thy fault, then in accusing thine owne hard fortune, which was the onely cause of thy harme, by bringing the tyrant vnto thy house.

The Answere.

HE which hath all the profit and honor, ought likewise to be partaker of the hurt: as I doe not vniustlie reproue thee, for the wrong which thou hast done me, so also dare I aduouch, that thou hast not killed the Tyrant, seeing thou diddest neither see him, nor once touch him, but my house was it that slew him, therefore it is not against reason, if for the losse thereof, I doe at the least demand some part of the reward. The tyrant did not make anie speciall choise of my house, much lesse was it offered or prepared for him, but as he could, he entered therein, because I was not at home to hinder him; likewise thou mightedst as wel haue followed

him in and killed him, but thy heart ſerued thee not, and therefore thou didſt rather chuſe to fire my houſe, then otherwiſe to ſlay him, and in danger thy ſelfe to be hurt: thou then haſt the reward, but deſeruedſt it not, and yet thou wouldeſt haue mee loſe my houſe, which was his ouerthrow. Who can tel but that he might well haue eſcaped if therein he had not entered; If then my houſe did keepe him, and receiue the fire that burned him, why ought it not as I haue ſaid, bee likewiſe partaker of the reward?

Declamation. 70.

Of the grandfather that did ſecretly ſteale away his deceaſed daughters child, for feare leaſt it ſhould be poyſoned by the ſtepmother, as two other before had ben, wherevpon the ſaid childs father accuſed his father in law of violence.

IT happened that a man had three children, whereof two died, not without ſuſpition that the ſtepmother had beene the cauſe of their death. The father of the ſaid childrens mother did ſecretly ſteale away the third child, leaſt it might come to the like end as the reſt did. Neither had the ſaid grandfather viſited the other children during their ſickeneſſe, becauſe he could not be ſuffered to come in, but was kept out of dores. The father cauſed his child to be cried, the grandfather ſaid that he had him, wherevpon the father accuſed the grandfather of violence, ſaying that he had ſtolen his child; the good old man made his excuſe, ſaying:

Seeing

SEeing that this is all the sonnes that my daughter hath aliue, suffer me to bring him vp. What doest thou feare? That I will not let thee enter in when thou commest to visit him, as I was serued at thy house? thou art deceiued, I am not so ingratefull: fond fooliſh man as thou art, thou seekest not those two children which thou hast lost, nor once hearkenest after them which haue ben wilfullie made away, but seekest him that is not lost, that he might likewise be lost as the rest were. Thou askest one of me whose life I will charilie protect, and I doe require two of thee whom thou hast careleslie suffered to perish. Why is not a grandfather better to be trusted then a stepmother? I came to visite my little nephewes being sick, yet might not see them; that was violence, and not this which I haue done? For therein hath neither beene vsed weapons, combat, resistance, nor force, but such as was too friendly. Let al the assistance bee iudge of this controuersie which is between a yoong man and an old. Thou saiest that I haue stolen thy sonne, I answere that I doe keepe my daughters sonne, thou saiest that I haue taken him away from thee, and I denie it; but true it is that when hee came vnto mee, I would not driue him away from me, and I am the cause that he is yet liuing. So doe the Phisitions and Chirurgions oftentimes bind vs, and whether wee will or no applie such medicines as are most needfull for the recuring of our maladies. That which I haue done is no strangers deed: Nature hath her right, & this difference is there betwixt the father and the grandfather, that it is lawfull for the grandfather to preserue his children in safetie, but not for the father to suffer his to be slaine. Whence proceedeth this thy ouerlate pittie,

to

to begin to seek thy lost sons of this which is here in safetie? Seest thou not that all those that fauor the child, do desire that thou mightest not find him?

The Answere.

HE hath not taken away the child to keepe him, or for anie feare he had of his safetie, but onelie to slander my wife with sorcerie, and to make mee suspected to be therevnto consenting. What haue I to do with this man, O you Iudges, who while his daughter liued, did neuer beare me anie loue, and now after her decease doth hate me deadlie? and hauing scantlie visited my children when they were sound, he came crieng out and lamenting during their sickneſſe, propheſieng that which hath since happened, and would but haue increased their griefe to haue heard it. He was kept foorth, because his comming was well knowne to be more hurtfull to all, then helpfull to anie, and that he should neither by his needleſſe exclamations shorten the liues of the poor infants, nor steale this other child, which now appeareth was his onlie intent.

Declamation. 71.

Of him that being accused for intending his fathers death, is therupon renounced of him, although that in open Iudgement he was clearely acquited by equall sentence.

YOu must consider that in times past, when in iudgement there were as many voices on the one side as on the other,

in any criminall cause, the partie accused was acquited, because that iustice ought to regard clemency more then cruelty. Whervpon it happened that a father accused his sonne of paricide, saying that hee intended to murther him: wherefore he being imprisoned, and the informations made on either side, the proofe was found so vncertaine, that the partie accused had as manie voices in iudgement on his side as the accuser, whereby the accused is acquited. Notwithstanding the father being displeased, forsaketh and disheriteth his sonne, though hee were acquited by iustice, saying:

My requeſt is now leſſe then it was, for I doe not deſire to be reuenged of thee, but only that I may be rid of him that would haue ſlaine me, I do no more accuſe him, but ſhun him. Do you thinke that hee will ſpare me being his foe, that would not ſpare me being his father? No ſurely, For becauſe hee would no difference betweene my teſtament and my death. He is not acquited of his offence, but onlie freed of his puniſhment, becauſe the ſentences were alike. To prooue him innocent hee ought to haue had manie voices, but to condemne him, there needed no more then one. The Iudges haue not found him faultleſſe, but onlie ſpared the puniſhing of his fault: wonderfull is the mercie of the law of this countrie, ſeeing that the equalitie of voices may acquite malefactors. Thou maieſt then thanke the law, not thine innocencie, for thine eſcape. Thou ſaieſt, I am acquited, and therefore you can neither account me nor call me a paricide. I allow it ſo to be, neither will I diſherit thee therefore, but for thy other vices, which are the cauſe that there are as manie that beleeue thou wouldeſt haue murthered mee as there bee that doe ſtand in doubt thereof. But who knoweth not that it is a greiſe for a father to accuſe his ſon, & to bring

him in danger of death, although it be his desert? What is he then that would be so cruel to accuse him wrongfullie? I take God to witnes that as I am verie glad because thou hast escaped punishment, so likewise would I take away all occasion, to accuse thee anie more; and in putting thee away, I would take all occasion from thee to murther thy father.

The sonnes Answere.

AS there needeth but one voice to condemne me, which God hath withheld to defend mine innocencie, so is my ioy exceeding great in that I am freed from crime and disgrace, as well as from punishment; and a verie likelie matter is it, that some of the Counsell (beleeuing it to bee impossible that a father would euer accuse his sonne wrongfullie) haue ben on your side, but the others, who considering all men bee subiect to passion, and that manie fathers doe imagine that the liues and deaths of their sons ought to be doomed by them and at their choice onelie; haue equallie taken my part, especiallie because there was no proofe or witnesse against mee. And notwithstanding you disherit me, because I should alwaies be secretly suspected of infamie, wherby it appeareth that your meaning was neuer good towards mee, or at the least it is corrupted by such as pretend to bee your heires, so that although I am now oppressed by your authoritie, I hope that by my patience all men shall know, and your selfe wil confesse, what a son I both haue ben, am, and euer shall be; and it may bee that time may cause you change your euill opinion (if God so please) who neuer forsaketh the innocent.

Declamati-

Declamation. 72.

Of the ſonne who ſtriuing againſt his father, obtained the dignity of Emperor, afterwards being taken in the wars and crucified, his father is accuſed to haue betraied him.

IT is to be conſidered, that amongſt our anceſtors the dignitie of Emperour was no other then that which we at this day doe call Generall of an armie, or Commonwealth, the which dignitie was once demaunded by an ancient and valiant man; But his ſonne reſiſted him in ſuch ſort as hee obtained the place for himſelfe, and as the Prouerbe ſaith, Mowed the graſſe vnder his fathers feet: Neuertheleſſe they went to the wars together, where it chanced the Emperor to be taken by the enemies. Whervpon the Commonwealth ſent fortie Embaſſadors to redeeme him, vpon any condition whatſoeuer. Theſe Embaſſadors met the Emperors father, who told them, that he had brought gold to ſaue his ſonnes life, but it was too late, becauſe he was crucified before he came. The Embaſſadors notwithſtanding paſſed on further, they found their Emperor according to his report crucified, yet not ſo thorowly dead, but that he ſaid thus vnto them, Beware of Treaſon: Who at their returne, vpon theſe words of the ſonne, accuſed his father to haue betraied him, ſaying:

OVr Emperor hath ſuffered a ſhamefull death, and the traitor hath receiued monie for the reward of his Treaſon? We haue ſeen this ſame man more

sad to see his sonne pronounced Emperour, then sorrie to behold him taken of his enemies. How was it possible that thou couldest returne alone, being old and ouerladen with monie, seeing they did take the Emperor? Thou hast receiued more monie then thou couldest well hide: but that is no great wonder, seeing that in one person thou hast sold both a sonne and an Emperor together; Who said vnto vs, Beware of Treason, but alasse he said it too late. Trulie if the enemies had not giuen thee this gold, they would haue taken it from thee as well as from others. This sentence of the Emperor (being readie to die) was short, and euen for shame verie hardly vttered, seeing that thereby he accused his father. Why diddest thou escape leauing thy sonne behind thee, who was borne to be an Emperour? Surelie for no other cause but that hee hindered thee from being one. His proceeding against his father by lot and electiue voices was done to no other end, but onelie thereby modestlie to shew that from henceforth hee would neither trust thee with the gouernement of the Commonwealth, neither yet ought the same trust thee to gouerne it. Our Embassadors carried gold thether to redeeme our Emperor, and his father brought gold hether which hee receiued for selling him vnto the enemies. How happeneth it that thou art not dead, or at the least without motion, and as it were crucified with thy sonne? why diddest thou return so speedilie, seeing he was aliue and did yet speake? Certainlie his speech bewraied the Treason, but his silence indeuoring to conceale the same, did better decipher the Traitor, that would not once stay the comming of the Embassadors, nor yet returne with them againe. This good Emperor although hee were crucified, yet left not to bee

care-

carefull for the Commonwealth. And therefore he ſaid take you heed of Treaſon: Behold how he could not conceale the Treaſon; but like a child hee would not name the traitor. Thou wilt ſay that compaſſion vrged thee to depart ſo quicklie. We would know, ſeeing thou couldeſt not haue him aliue, why thou diddeſt not at the leaſt redeeme him when hee was dead? For neuer was anie enemie ſo cruell but that he would be moued with a fathers teares, and ſo great a ſumme of gold together. This word, Take heed of Treaſon, ſignifieth, beware leaſt anie without the priuitie of your towne-guards doe come foorth of your cittie, or without the knowledge of the Commonwealth doe goe vnto the enemie, or leaſt anie one doe returne from the General of the enemies loden with gold: Nothing of this wanteth, in all mens iudgement thou haſt done al this, thou wenteſt forth of the cittie, thou haſt ben in the enemies campe, thou art returned thence loden with gold, the Emperor warned vs of Treaſon, the Embaſſadors haue diſcloſed the traitor, all doubt is taken away, conſider onlie (O Iudges) who did ſpeake, who now ſpeaketh, and who ſpeaketh not.

The fathers Anſwere.

I Did demand the Empire to ſaue my ſonne from the danger whereinto himſelfe hath fallen, I know not whether there be anie Treaſon, but you may thinke that if I were culpable therein, my ſonne would haue as little reſpect to accuſe me, as he had to ſtriue with me for the Empire. I did carrie monie thether, which I haue brought backe againe, for ſeeing my ſonne taken, I took all the gold which of long time I had hidden in my

graunge houſe, and carrieng it in haſt, I thought to redeeme my ſonne therewith, but ſeeing him crucified, I had not the heart to ſtay anie longer: which was likewiſe the cauſe that I would not returne againe with the Embaſſadors. Wherfore it may be concluded, that you do ill acknowledge the deſerts of your Emperor, when you vniuſtlie ſlander his father with that crime, which hee would willinglie haue redeemed with the price of his life; and your ſaying cannot be prooued that I haue either entred or gone foorth of the cittie ſince my ſons taking, ſaue onlie now, therefore I appeale before God and euerie iuſt Iudge for your falſe and ſlanderous accuſation.

Declamation. 73.

Of a man who hauing loſt his daughter, accuſed her mother of ſorcery and adultery.

A Man being married, had a daughter by his wife, who being old enough for an husband, hee ſaid vnto his wife that hee would marry his daughter, and told her to whom: but the mother being angrie anſwered, I had rather ſhee were dead, then ſhe ſhould be wife vnto him whom you ſpeak of. Shortly after the daughter being poyſoned, died euen when the father thought to haue married her after his own liking, without his wiues leaue, for the which the man ſuſpected his wife, and put a bondwoman which he had to the rack, who ſaid that ſhe knew nothing of the poyſoning, but that ſhee did very well know how her miſtreſſe lay oftentimes with the ſame yong man vnto whom her maiſter would haue giuen his daughter: wherupon the man accuſed his wife not only of adulterie, but alſo of

ſorcerie

sorcerie, and for poysoning his daughter, saying thus:

WHat man is more miserable then I am, Seeing that at one instant I lose both my daughter, my sonne in law, and my wife: my daughter by poyson, my sonne in law for adulterie, and my wife for her wickednesse. Alas the vild woman said too true, when she desired her daughters death rather then her marriage with the adulterer, which was not so soon spoken, but it was as suddainly performed; whereby it appeareth to be true, that the ambitious and lasciuious doe neuer iudge anie thing vnlawfull. O how miserable are we, seeing that neuer anie misfortune happeneth vnto vs alone, for in losing my daughter I haue found not only a double, but a treble fault in my wife, who neuer speaketh anie truth but when she is acting some trecherie, as is now seen by experience, in the death of her daughter, whereof shee foretold before she effected it. Who is more vnfortunate then I, Seeing that all too soone I did know of my daughters death, and too late did vnderstand my wiues adulterie, that thereby at the least I might not haue the meanes to preuent one of those mischiefs? Who doth not now perceiue, that one sinne bringeth another, and that both the one and the other doe not onlie bring the bodie to decay, but the soule to destruction? O vild woman, I thought (to persuade thee to marie thy daughter) it was the best way to praise thy sonne in law, but in steed thereof I commended thine adulterer. Why shall I not say that thou hast murthered thy daughter, seeing thou durst take away and detaine her husband from her? What sin will not a shameless woman commit, since chastitie doth alone excuse all the vices which they might otherwise haue?

Nay who will doubt that ſhee hath not committed this fact wherewith ſhe is ſuſpected, ſeeing that ſhee cannot denie that fault which one would neuer haue charged her withall. You ſee worthie Iudges that her ſinne, her conſcience, and her owne mouth beare witneſſe againſt her, pittie then this poore dead bodie burſt and ouerflowing with poyſon, behold the bride, bed, and feaſt, turned into teares and funerals, take compaſſion of him who aboue all others is a miſerable father, and a moſt vnfortunate husband.

The wines Anſwere.

YOu charge me with two great crimes without any likelihood of truth, that is to ſay, with adultery, and poyſoning; of the one there is neither proofe nor witnes, of the other there is a tormented ſlaue witneſſe, who not onlie to eſcape from tortures, but alſo to bee reuenged of the ſtripes which heretofore ſhe hath receiued, accuſeth her miſtris: but who is ſo ignorant, that knoweth not that ſuch vild wretches as ſhee doe ſeeke for nothing els but miſchiefe, or at the leaſt for alteration or change, and eſpeciallie when the husband and the wife are at variance, becauſe that for the moſt part all the anger lighteth vpon their ſhoulders therfore they ſeeke to mittigate their owne diſgrace by anothers diſcredite: likewiſe your fickleneſſe, euermore readie to beleeue falſe reports, and not my faults, doth induce you to accuſe me falſely. The malice which this ſlaue did beare vnto my daughter, perſuadeth mee that ſhe hath poyſoned her, becauſe ſhee would not behold her mariage, for fear of falling forth of my hands into hers, that was yonger, & therfore more rigorous, as be-

ing

ing lesse subiect to reason: O what a goodlie man is this, who dooth giue more credite to a tortured slaues words, then vnto the long experience of the integritie of his wife: you do your selfe confesse that you would neuer haue thought that in seeking for the murtherer of your daughter you should haue found out your wiues adulterie; it is then a signe that I neuer heretofore gaue you anie occasiō to suspect me for a lasciuious woman: what mooueth you then to beleeue it now? A wicked and disloiall bondwoman. Who prouoked you to suspect mee for poisoning your daughter? One word spoken by mee in my anger: Doe you not know that they which are iustly angrie or grieued do speake that which they neuer thinke? Thinke you that the mother hath not a iust cause to bee angrie, when shee seeth that her daughter shall be married without her consent? Seeing the mother and not the father suffered all the paine in bearing her, & that inforceth her also to loue her more tenderlie. Since I could not abide to see her badly married, could I bee so hard hearted as to cause her to bee murthered? Alasse the feare that I had of her death, made me to diuine her destruction. In like sort it is euident that those which are ouercharged either with anger or feare, doe oftentimes vnaduisedly foretell such mischiefe as shortlie after falleth out but too true: euen so hath it happened vnto mee, being ouerburdened both with the one and the other accident; consider O you Iudges, how mad this man is, who vnto his daughters death would ad his innocent wiues decay, grounding his opinion therein, vpon such a word, as any one that desired to kill another would neuer vtter. Lastly I protest that he wrongfully seeketh my discredit, & therfore I request that he may make me amends for my disgrace.

Declama-

Declamation. 74.

Of Romulus who causèd his brother Remus to be beheaded.

ROmulus *and* Remus *being both brethren and twins, were the founders of Rome, and the first Kings thereof, neuertheleſſe they were ruled by the aduice of the Senate, who had eſtabliſhed a law, that hee which went forth of the citty without leaue of the kings or the licence of the Senat, ſhould bee guilty of Treaſon and bee forthwith beheaded: Vpon this decree they began to build the wals of their cittie. Where the two Kings being one day both together, and* Romulus *praiſing the diligence of the workemen, ſaying that they had in a ſhort time raiſed the walles ſo high, as they might be well tearmed defenſible.* Remus *to ſhew the agilitie of his perſon, or it may be to contrarie his brothers ſpeeches, leaped at one iumpe ouer the wall foorth of the cittie: whereupon* Romulus *being greatlie diſpleaſed, and exceeding angrie, or rather becauſe loue and rule can neuer abide anie companion, ſo it may be he hauing long before ſought for ſome occaſion, causèd his brother to bee ſuddainely taken, and affirming that he was gone forth of the cittie without leaue, hee did by the law condemne him, and made him to be preſently beheaded: Wherewithal the Senat being diſpleaſed, accuſed* Romulus *for killing not onely his brother, but alſo their King, And thus they ſay:*

WHat good lucke or happineſſe may wee hope to reape of our Commonwealth or cittie, ſeeing that

in

in the beginning thereof, not onlie one twinne brother hath presumed to kill the other, but also the King hath murthered the King. If one hand should cut off the other, one foot tread vpon the other, one eie darken the other, and finallie if all the members would seeke to hinder each other, what benefit or helpe may be hoped for of the bodie? As the man which hath but one eie is alwaies in danger to be starke blind, or as he which hath but one hand, the least hurt which the other hand receiueth maketh the man altogether impotent, euen so wee thought our selues happie to bee free from the like danger hauing two kings, to the end that if the one were sicke, the other might gouerne and aid the Commonwealth; those dangers which the one might incur for want of foresight, the other might preuent by his forecast, the one being abroad, the other was in the cittie, and being not onelie brethren but twinnes, wee hoped that they should be inuincible, but alasse the one hath ouerthrowne the other. What punishment then dooth not hee deserue, which hath depriued the Commonwealth of so great a hope? Who knoweth not that kings are the true guides of the people, and how good or bad soeuer they be, the most part will follow their example? Vnhappie then are those Commonwealths where the kings are wicked, and especiallie when their chiefest fault is crueltie, which in them is most odious: therefore hath nature framed the drone being king of the bees without a sting, or at the least if he haue one, he vseth it not: if cruelnie then be so vnseemely for kings, how much more is it for such as are the first kings, seeing that they doe instruct and embolden all their successors to follow their steps; for mans frailtie is more prone to follow the bad then the good: doe wee not

know

know that ſharpe lawes are made not to deſtroy Citti-zens, much leſſe Kings, but onlie to bridle the vicious, and by keeping them in aw to aſſure the vertuous; the text of the law is ſtrict, but the gloſe is ample, & ought alwaies to tend rather vnto clemencie then crueltie. What would you ſay if a man (ouercome with a iealous care of his countrie) ſhould goe forth of the cittie without leaue to doe ſome exploit for the benefit therof; Ought he to die? Are not the lawes made for the profit and ſafetie of the Commonwealth? Let vs conſider to what end the King leaped ouer, was it to goe ſeeke the enemies? No, but rather thereby ſecretly to ſhew, that as he could leape foorth of the cittie at one iumpe, ſo might the enemies as eaſilie paſſe our ſuch low wals; wherefore as hee would neither flatter the workemen, ſo without gaining their ill will, hee would prouoke them to be more diligent in their labour, and for the ſame purpoſe he indeuoured to pleaſe both thē & alſo the aſſiſtants in ſhewing the agilitie of his bodie: O how worthie of commendation is that man which ioineth profit with pleaſure, as he did! but wee may ſay that he in ſteed of receiuing honour by the people for his reward, obtained cruell death at his brothers hands for his recompence. Seeing the law was by the Senat inuented, why were not they acquainted with his execution; that ſo his integritie might haue ben made manifeſt? For that which a king doth cannot bee ſaid to bee done without leaue, ſo that the people be not hurt therby: for in euery lawful act he may take leaue by his own authoritie, wherfore you haue no other excuſe, but that the onlie ambition to raigne alone, incited you to kill your brother, murther our King, & hurt the Commonwealth, whereby it appeareth that the greedie deſire to

rule

rule is void of all pittie or remorse : if we say that hee which parteth from his friend parteth from himselfe, what may be said of him that hath by death sundred his brother from him? Which at one instant was conceaued with him , who hath remained in his mothers wombe vntill his procreation with him, who was cast forth vnto the beasts,& fostered vp together with him, who hath holpen him to build this citie, to appoint the Senat,and was created King with him; what iudge wil bee then so ignorant which will not say that you ought to die with him? And that you doe wrongfullie vsurpe the time wherein you doe liue longer then hee. Giue rightfull doome then,O you Senators, to the end that he which hath killed his brother without your consent, may no longer tyrannise ouer the Commonwealth.

The Answere of Romulus.

ALL happinesse ought to be hoped for (graue fathers) when in the Commonwealth the laws are not onelie good,but when they be obserued and kept, and by the punishment of a great one, all the rest are threatened if they misse in their dutie : mine integritie is sufficientlie declared in submitting me vnto the lawes, yea, euen in the not sparing of mine owne brother, as in like sort I would not exempt mine owne person for the obseruation thereof. If *Minus*, *Radamanthus*, and *Eacus* had not ben iust and somewhat seuere in the performance of their lawes , they should not haue obtained that immortall renowne which they now haue, neither should bee held as Iudges of the infernall mansions : like as it is manie times not onlie lawfull, but necessarie for one hand to chop of another to preserue the rest of the

the bodie, euen ſo was it needfull though to my great griefe to rid the world of this my brother, being a breaker of the laws, and a diſturber of the Commonwealth: for as you ſay, Kings ought to bee guides vnto the people; ſo that in all things, and by all means they ought to ſhew them an example, to keepe and not to breake the laws: for vnleſſe they be dulie obſerued, the Commonwealth would bee like vnto a bodie full of of corrupt humours, wherein neither the blood nor anie other of the inward parts can make their right operations, ſo that after the ſame hath ſome certaine time languiſhed in paine, it is at the laſt ended by death: euen ſo the corruption of laws and cuſtomes doth bring the Commonwealth to a flat confuſion: the greater a man is, the more notorious is anie fault which hee committeth accounted, therefore ought his puniſhment to bee more greeuous for examples ſake. Trulie two brethren together may performe verie much, but when one neglecteth his dutie, they are no more brethren. Moreouer, it is not ſo neceſſarie (as you affirme it is) that there ſhould be two Kings; becauſe that one number alone doth repreſent the diuine Maieſtie, whereof the Kinglie Maieſtie ought to bee a tipe and figure: likewiſe there is but one world and one ſunne, who becauſe hee would be alone, leaueth for halfe of the time, the one halfe of the world without light, onlie ſending his ſiſter thether as his Lieutenant, who is leſſe then hee in brightneſſe. A Commonwealth then ought to haue but one King; nay the whole world ought to haue no more, for by that meanes it ſhould bee free from waire: and euen now I doe propheſie by this my ſole gouernment, that in time to come all the world ſhall be ſubiect to the Romane power. Wherein then haue I offended the Commonwealth?

monwealth? It is not I that haue made her fruſtrate of her hope, but he which committed the offence, for which he died, and not by my occaſion; neither is that to be tearmed crueltie which is done by iuſtice, and according to the lawes: for as iuſtice without clemencie is crueltie, ſo clemencie without iuſtice is meere fooliſhneſſe: that is crueltie when one is put to death without anie deſert, but to execute a malefactor, is a deed of mercie: for it is better that one be ſuddainlie loſt, then in continuance of time a number together ſhould periſh. Moreouer, it behoooueth the firſt Kings not to pardon anie thing, vnleſſe it be a matter which concerneth their owne perſon, to the end that their ſucceſſors by their example take not the like occaſion to neglect or cloke any thing which toucheth the welfare of the Commonwealth. If my brother had but offended me, I would haue pardoned him as a brother, but in offending the Commonwealth, I haue puniſhed him as a King: the rigor of the laws ought rather to bee mittigated then not to bee obſerued, otherwiſe they are rather to bee condemned then commended. He which reſiſteth the laws is vnworthie to be called a Citizen, much leſſe a king, but rather an enemie to the Cõmonwealth; and for ſuch a one haue I cauſed *Remus* to die, and that ſuddainlie: not in contempt of the Senat, but to auoid ſedition, for it is not likely that he would euer haue ben ſo inſolent vnleſſe he had receiued ſome ſecret intelligences, whereby he aſpired to bee ſole king, and by the infringing of this law, he would attempt his enterpriſe, and aſſure his confederats. By all theſe foreſaid reaſons it may verie well appeare, that I haue not done to death neither my brother nor the king, & therfore haue I not offended, but rather defended the Commonwealth, in

exe-

executing one of the enemies therof, not without your iudgement, but by you both condemned and adiudged, euer since the law was by you made & allowed; for you haue added no exception therevnto. Consider then most graue Senators, and you couragious people, that if I receiue anie hurt, it is for doing good, beseeching you also to beleeue, that what mischiefe or good soeuer shall happen vnto me, cannot happen vnto anie that is more affected vnto you, or more carefull of your welfare then I.

Romulus escaped at this time, and raigned a long time after very cruellie, but finallie at a sacrifice which was made out of the cittie, there fell great store of rain, with horrible thunder and lightening, wherevpon the Senators tooke occasion to kill *Romulus*, and afterwards hauing hewed him in an hundred peeces, euery man carried away a peece, and made the people beleeue that he was taken vp into heauen aliue, whilest they were offering their sacrifice, and hee was placed in the temple amongst the gods, and named *Quirinus*.

Declamation. 75.

Of him who being found with a poysoned potion, is thereby accused to haue gone about to poyson his father.

A Certaine rich man had one onlie sonne, who was of such bad behauiour, that he renounced him, and receiued him againe three times. Lastly, he found him at vnawares in a very secret place of his house, where he was brewing a poysoned potion,

tion, the father asked him what drinke that was, hee not being able to denie it, ſaid that it was poyſon, the which he thought to drinke becauſe hee was wearie of his life: afterwards he threw the poyſon on the ground, the father knowing his malice long before, accuſed him that hee had prepared that poyſon for him, ſaying:

IT is far vnlike that he which in three times being forſaken did neuer make anie ſhew to bee deſirous of death, would now poyſon himſelfe being both in the good fauour, and in the houſe of his aged father, whoſe inheritance hee did dailie expect; but it is rather moſt certaine, that he being vnwilling to ſtay for it vntill my death, was deſirous to attempt the abridging of my daies. What likelihood was there that he would willinglie die, who being ſuddainly taken, threw the poyſon downe for feare leaſt he ſhould haue been compelled to drinke it? Why ſhould you think that ſuch a one is wearie of his life that dooth now defend himſelfe as much as he can, becauſe he would not bee condemned to death? Thoſe which deſire to die, doe goe vnto the warres or trauell by ſea, and ſo die with honor: in denieng thy crime thou prooueſt thy ſelfe culpable; canſt thou denie that thou diddeſt ſeeke, find, buy, and bring the poyſon into thy fathers houſe? Vnto whom thou ſhewing thy ſelfe an enemie more then a thouſand times, haſt compelled him againſt his will to reiect and diſherit thee three times, and thinking alwaies by my exceeding mildneſſe to ouercome thine extreame maliciouſneſſe, I haue thrice returned to receiue thee with more then a fatherly kindnes, but I perceiue that all the good which is done vnto the wicked, is not onlie loſt, but alſo increaſeth their wickedneſſe: for thou canſt

not in anie ſort denie the hate and ill will which thou beareſt vnto me, whereof the poyſon is a ſufficient teſtimonie, ſeeing that by the ſame thou meanteſt to kill me, becauſe thou wouldeſt be rid of a father, or (as thy ſelfe confeſſeſt) thou diddeſt deſire to die, that I might be depriued of a ſonne, or rather becauſe thou wouldſt be rid from the griefe which thou haſt to ſee mee aliue. To conclude, both the one and the other is an abhominable wickedneſſe; but for as much as I cannot yet leaue my naturall bountie, I will ſeeme to be doubtfull of that which I know to bee moſt certaine, becauſe I would not bee conſtrained to require thy death. But I do now renounce thee the fourth & laſt time for euer.

The Anſwere.

IT is manifeſt that years bringeth knowledge and diſcretion, wherefore conſidering better now then heretofore the manifold offences which I haue committed againſt my father, and feeling alwaies mine owne weakeneſſe and wicked nature which continuallie purſueth mee, I did eftſoons deſire to die, becauſe you ſhold no more by me be diſpleaſed, and not for any hate that I did beare you: for your bountie towards me is ſuch, that I knew not how to hate you, but it did rather ingender in me ſo great a ſhame and griefe for offending you, that I am wearie of my life, and I would die ſo it might not be by law or condemnatiō, vnto your diſhonour, and my diſcredit; your diſhonour I ſay, in that it ſhould be reported how you had begotten ſuch a ſon as meant to murther you; my diſcredit, when it ſhould at any time be ſaid that I would haue killed my father. God forbid that ſo great a reproch ſhould euer happen

vnto

vnto the meaneſt of our linage: and that is the only occaſion why I would ſo faine liue, that in time I might make it knowne both vnto you, and all the Cittizens, what agreeable ſeruice I would be readie to performe for you when occaſion ſerueth, and ſhewing ſuch a childs dutifull obedience towards you as thereby you might bee ſufficiently ſatisfied that I neuer meant to hurt your perſon,& that thoſe diſpleaſures which haue happened vnto you proceeded but by the frailty & folly of my youth; but if my life be odious vnto you, I am yet content to end the ſame by poyſon? Alaſſe how far more wretched am I then anie other man, ſeeing that when I would willingly die, I was not ſuffered, vnleſſe I would be executed with diſhonor. Truly this ſuſpition which you do wrongfully charge me withal, is a iuſt puniſhmẽt for my paſſed faults. Seeing that it pleaſeth you to reiect me, I will patiently indure it to ſhew my ſelfe euermore obedient vnto you; but the cauſe which you alleage is vnlawful, in ſaieng that it is becauſe you found me with a cup of poyſon: I doe ſweare vnto you again that it was for my ſelfe, and that ought not to be imputed vnto me as an offence, ſeeing that *Mithridates* would haue poyſoned himſelfe, *Demoſthenes* did poyſon himſelfe, *Hannibal* procured his owne death; and that *Cato*, *Scipio*, and many other famous men were their owne murtherers.

Declamation.76.

Of him that was denied buriall for being his owne butcher.

THe law is, that whosoeuer killeth any man, should not be buried at all. Whereupon a certain rich man of a good stocke happened by some occasion to kill himselfe. So that thereby the Magistrate accounted him for a murtherer, and therefore would not suffer him to be buried: but the kinared of the dead man stood against him therein, and said:

IF this poore man had slaine anie one, your reason were of some worth, for it might haue ben supposed that malice, hatred, enuie, or some other vice, had procured him to commit manslaughter, but alasse he hath slaine himselfe being ouercome with miserie, or els because he had lost his wits: I know not whether of these two accidents were the cause of his fall, yet am I sure that they are not to be imputed vnto his fault, but he is more worthie to be pitied then to be punished. What greater crueltie can there bee in the world, then not onelie to punish a dead man, but such a one as died miserablie? We cannot but suspect that he perceiuing the Magistrate did wrongfullie hate him, hath therefore shortened his owne daies: for if you did not bear him some ill wil what should moue you to goe about to depriue him of that which in the end time will graunt vnto him? For euen those which are hanged doe at one time or other not remaine vnburied; wherefore *Diogenes* said well vnto his disciples, that demanded of him where he would be buried: lay me (said he) vpon the earth, for the same it selfe will in time burie me: this your rigor then is more preiudiciall vnto vs that liue, then vnto the dead man: if the worst happen, what can you say of him? Or wherewith are

you

you able to accuſe him, ſaue onlie that his great miſfortune made him to imagine that hee could no way end his miſerie but by death? But alaſſe hee was deceiued, for although he be dead, yet dooth miſhap follow him, ſo as he cannot by his ſepulchre hide his ſhame; whereby it appeareth, that misfortune dooth ſooner beat downe the wretched then it dooth the wicked. Surelie conſidering that which is denied vnto him, I cannot blame him for being wearie of his life; in his death hee hath immitated *Cato*, why thē ought this man to be vnburied more then he? In your iudgement then do you thinke that *Curtius* ſhould haue remained without a ſepulchre, if in his very death he had not found the ſame, caſting himſelfe while he was yet aliue into the burning gulfe? Who is more miſerable then he that whileſt he liueth is wearie of his life? And who is more vnhappie then he that is dead, and wanteth a ſepulchre? Is it to be wondered at if this man were willing to die, ſeeing that for all he ſhunneth it, miſchiefe purſueth him? Nature affoordeth a ſepulchre vnto all men, yea the ſea caſteth the dead vpon the land to be buried, thoſe which are hanged in chaines, do by little and little ſlide down into their graues, for in the end they become earth; they which are burned, the ſelfeſame fire that cōſumeth their bodie, dooth burie their bones conuerting them into aſhes; others are intombed in the bellies of fiſhes, and of other land beaſtes. As it is the office of Magiſtrats to perſecute murtherers, ſo likewiſe ought they to pittie the murthered. If you ſay that hee which killeth himſelfe is a murtherer, you muſt yet conſider that hee hath wronged none but himſelfe: it may bee that hee did procure his owne death for feare leaſt he ſhould be conſtrained to wrong ſome other, what thing then can

be more commendable then for a man to be willing to die rather then he would wrong any man. *Mutius Scæuola* would haue died for griefe becauſe he failed in the killing of king *Porſenna*, and therefore in his preſence he burned his owne hand for miſſing the marke: *Codrus* in all his raigne did not ãny thing more worthy commendation, then when he apparelled him in all his roiall robes, that ſo he might the ſooner be ſlaine; that which oftentimes ſeemeth to be vice is eſteemed vertue, when neceſſitie requireth it: So *Codrus* ſhewed himſelfe a right king whẽ he would not be diſguiſed for any other then he was. As great cruelty is it to hinder him from dying that would not liue, as it is to kill him that would not die. Laſtly, vnto a wretch the wounds which he hath, are imputed vnto him for a crime, but why ſhould ſo vnhappy a man liue that is not ſuffered ſo much as to die? But although he were an offender, yet the loſſe of his ſoule ought to be a puniſhment ſufficient to free his body and linage from greater reproch.

The Magiſtrats Anſwere.

AVery great ſin and a moſt exceeding wickedneſſe ſhould it be for any man which durſt bee ſo bold as to burie him that murthered himſelfe. For what hate, malice, or il wil may be more beaſtly, then that which prouoketh a man to bee his owne butcher? And it cannot bee denied that ſuch kind of people doe diſtruſt in the mercie of God, and are enemies of humane pittie: can you denie his offence, ſeeing that hee hath not onelie weakened the Commonwealth, but hath alſo beene the cauſe of great ſlander therein? We doe not perſecute the dead, but the crime

which

which he hath committed, which deſerueth to be puniſhed for example vnto others not to commit the like. What and if a man be pinched with pouerty, a woman diſpleaſed with her husband, a child threatened by his parents? Muſt they ſuddainlie run vnto the ſword, flie vnto the halter, ſeeke a place to fall headlong downe, or procure their end by ſome other kind of odious and violent death? God hath made death fearefull vnto all men becauſe none ſhould be his own murtherer: Whoſoeuer is therevnto diſobedient, is not onely a rebell againſt God, but an enemie vnto humane nature; this wicked man was not hated by the Magiſtrate, but your words declare, that you knew ſomething by him that deſerued but little fauor at their hands; let him then be buried in time with *Diogenes*, and the reſt which do burie themſelues, for it may be their miſerie endeth by their death, but it is to be thought that his increaſeth as concerning the ſoule; therefore is it fit that the bodies ſhame ſhould teſtifie the ſame. Concerning *Cato*, *Curtius*, *Scæuola*, and the reſt which haue murthered themſelues, they are neuer a whit the better accounted of by thoſe that are of ſound iudgement. Moreouer, the difference betwixt the time then and the time preſent ought to be conſidered: as for the Magiſtrats pittie, that ought to be extended vnto ſuch as doe die a naturall death, and towards thoſe which are murthered by another man. Neceſſity neuer conuerteth vice into vertue, but rather into a falſe ſemblance therof: it is not crueltie to hinder him from dying, that is therevnto willing, but it is an horrible thing to ſuffer any man to kill himſelfe, which you ought to hinder as much as you may, and you hauing not done the ſame, there is no reaſon but that you ſhould be partaker of his ſhame, to the end that by your

example others might bee warned to bee more carefull of their kindred. This law was inuented but onelie to terrifie those who neither feared death nor damnation. Assure you that he would neuer haue died in that sort, vnlesse he had committed some hainous offence, for there is no sin so great but that hee which dare kill himselfe will be bold to commit.

Declamation. 77.

Of the seruant of Lucullus *who thinking to giue his maister a drinke to make him to loue him, caused him to become a foole.*

LVcullus *was a Romane Senator, very rich and wealthy in goods, gotten by the warres, who both liued most deliciously, and also spent more largely then any other Roman: but most of all he greatly loued learned men, and rewarded them very liberally. Whereupon it chanced that one of his houshold seruants was verie desirous to worke some meanes that hee might likewise chuse him to loue him, and the better to effect the same, he prepared a certaine loue drinke, and made his maister to drinke thereof (for that which fooles cannot attaine vnto by vertue, they thinke to accomplish by villanie) but as from follie there neuer commeth anie thing but mischiefe; so happened it by this foolish seruant, for in stead of making himselfe to be beloued, hee troubled his masters sences, because hee knew not how to mingle his drinke aright. Wherefore the kindred of* Lucullus *brought him into iudgement, and accused him for poysoning his maister, whervnto the seruant replied thus:*

True

TRue it is that I gaue him a loue-drinke, but not producing ſuch an accident as hath ſince vnto him happened; and that ſeruant is in no ſort faultie, which as much as in him lieth, ſeeketh to procure his maiſters fauour, prouided that it be not to his hurt: the drinke which I haue giuen him, hath ben tried by manie, and may yet be proued by more, I meant neither to hurt my maiſters bodie, nor to trouble his mind, ſeeing that I neuer hoped for any good in the world but from him; but thoſe which gape for his lands after his death, or that deſire to haue the managing of his goods during his life, haue taken occaſion by this my potion, to giue him ſome other drinke that vnto his ſences hath ben more pernicious, that therby they might both defraud me of my hoped good intention, & alſo accompliſh their wicked expectation: who hath euer heard that to loue ones maiſter well, and to deſire to be beloued of him, ſhould be an offence? and ſo much the rather, was my meaning lawfull, becauſe I neither haue loued him, nor deſired his loue for any couetouſneſſe, but to gaine this onlie good, alwaies to do vnto him moſt faithfull, moſt humble, and acceptable ſeruice; but as there is no word well ſpoken which is badlie conſtrued, ſo there is nothing well done if it be taken in ill part, or ſiniſterly wreſted, which is ſo much the ſooner done, becauſe the moſt part of men do not iudge according to the meaning, but according to the iſſue of our actions, although he which hath done them bee in no ſort faultie. But I beſeech you worthie Iudges to conſider what reaſon there is to accuſe him for a malefactor who hath giuen the loue drinke, and not once to ſeeke out or to inquire after him that hath giuen the noiſome and hurtfull drinke? Thinke you if I had

had not beene very certaine of my deed, that I would haue confeſſed that I did giue my maiſter any potion at all? Or to ſpeake more plainly, doe you imagine that I would haue beene ſo fooliſh as not onelie to accuſe my ſelfe, but to be mine owne hangman, if the griefe for committing ſo great a fault, and for loſing ſo good a maiſter did not kill me; the which griefe for his loſſe, is the cauſe that now I regard not my life: but I would not die with this diſgrace for hurting him whom I loue aboue all other things. Finally, graue Iudges, if he deſerueth to be puniſhed that loueth his maiſter ouer well, then doe I confeſſe my ſelfe to be thereof worthy, but vnder the correction of thoſe that be more skilful then I, me thinkes that it were better to learne who thoſe are that doe wiſh *Lucullus* any hurt, or that for their owne profit haue harmed him, then to torment him that doth more feele the iniurie done to *Lucullus* then any other beſides. For when things are not well conſidered, they do alwaies produce effects contrarie to the meaning of thoſe that imploy themſelues therein. It may pleaſe you then both to acquit the innocent, and to be more carefull to ſeeke out the offender, who may eaſilie be found amongſt my accuſers.

The Anſwere of the accuſers.

THe only confeſſion to haue giuẽ a drink (of what quality ſoeuer it be) vnto thy maſter, condemneth thee and maketh thee worthie of death. Thou ſaieſt the potion was to inforce loue, how canſt thou proue that? ſeeing the effect ſheweth the contrarie; but although it were ſo as thou ſaieſt, what law permitteth thee to diſpoſe not onlie of the goods and perſon, but

alſo

also of the will of thy maister at thine owne pleasure? Thy crueltie & disloialtie is great in seeking not only to manumise thy selfe, or to exempt thee frō the dutie and seruice which thou owest vnto thy lord, but also to constraine him to bee thy slaue for euer: I say although all were as thou confessest, and that thy doings were construed to the best, yet who can denie but that the beloued is alwaies lord ouer the louer, and that the louer is neuer better then a slaue vnto the beloued. *Cleopatra* did euen so by *Anthony*, yea *Hercules* was brought into the like seruitude by *Iole*, and *Achilles* by *Patroclus*. Thou canst not then deny, by what meanes soeuer it bee, but that thou hast bereaued the sences of him, who by his wisdome hath won many battailes for the Commonwealth, he which was the onely refuge of the learned, who doe all accuse and condemne thee: thou saiest; I meant not to haue done such a deed; but the effect doth shew that thou hast done it: thou saiest, Some other hath taken occasion vpon this my potion, to giue vnto him another drinke more pernicious; all which were it so, yet the only occasion which thou hast profered, deserueth punishment; thou accusest vs vpon suspition, but we accuse thee by proofe and witnesse of the deed. Thou art one accuser alone, vnworthy to bee beleeued against vs; but all the Commonwealth, all the learned men, euery vertuous man, all the kindred and friends to *Lucullus* doe altogether accuse thee. What accusation then can be more worthy of credit? That of theirs, or this of thine? Seeing that according to thine own confession, thou canst not denie but that thou art a traitor, and a theefe, for what Treason may be more great, then to haue deceiued the Commonwealth, depriued the vertuous, bereft the friends and kindred of a man so famous

mous as *Lucullus* was? What theft can be more manifeſt then in deſiring to vſurpe a loue ſo worthie, being thy ſelfe in all points ſo worthleſſe? We doe in deed confeſſe that the ſeruant is permitted to loue his maiſter, and by his good ſeruice to winne his maiſters loue, but it is not lawful to inforce the loue of any man, how much leſſe then is it for a ſeruant to conſtraine his maiſter? So that as well the intention as the iſſue of thy deed, appeareth to be damnable; and there is no need to inquire who gaue the peſtilent potion, ſeeing thou diddeſt it thine owne ſelfe, and that thou canſt not denie the ſame: moreouer, that which thou confeſſeſt to haue done is no ſigne that thou diddeſt loue thy maiſter very well, but rather that thou diddeſt loue thy ſelfe too much, for thoſe which do loue intirely do ſeeke all the meanes they can to pleaſe thoſe whō they loue, but not to force or conſtraine them to anie thing againſt their liking, whereby it may be prooued that thou onely diddeſt miſchief *Lucullus*, in going about to take from him his libertie, hauing thereby depriued him of his ſences. And there is not any that pretended any profit by his hurt but onelie thou, ſeeing that all the wealth which *Lucullus* had, was ours and his friends more then his owne, for hee was neuer borne but for the profit of the Commonwealth, and to pleaſure his friends. Therfore we doe alſo require no other thing, but that the innocent may be acquited, & the guiltie not onely ſought out (for he is found in thee) but alſo puniſhed, as well to giue an example vnto all other ſeruants not to enterpriſe any thing againſt their maiſters, as to reuenge the Commonwealth, and *Lucullus* himſelfe for this iniurie.

Declamati-

Declamation. 78.

Of a woman who slew hir daughter, that had through childishnesse killed her little brother.

THe law appointeth, that euery woman which killeth her child should bee burned. Whereupon it chanced in Orleans, that a poor woman which got her liuing partly by washing of bucks, and somtime with carrying of fagots about the cittie to sell, had one daughter about the age of foure yeares, and a sonne about one yeare old, with the which children she was left a widdow by her husband. So that shee oftentimes being forced to shift the little child, she said vnto him as the most part of mothers and nources vse to say, that if hee pissed his clothes any more, she would cut off his prick; thewhich the little girle hearing many times, shee forgot it not: but one day when her mother was gone vnto the wood, she began to vnswaddle her brother, and seeing that hee had pissed his clothes, she tooke a knife and cut off his yard, wherewith he lost so much bloud that he died, afterwards shee told her mother at her returne home what she had done, who seeing her child dead, shee was so surprised with anger, that she tooke vp a little stoole, and strooke so great a blow therewithall vpon the girles head, that she presently died. For the which she was caried to prison, & hir husbands brother suing her to death, accused her saying:

THis woman hath both slaine her daughter, and in like sort was the cause of her sonnes death, not onlie in that she left it to the keeping and discreti-

on

on of a little girle, but also because shee had oftentimes spoken fondly, and threatned the child foolishly: did she not know that whatsoeuer was ill to bee done, was not good to be spoken, vpon what occasion or intent soeuer it be? And that as euery word that is spoken, is easily imprinted in the yoong and tender hearts of little children, so will they like apes imitate all that they see, and as children, doe whatsoeuer they heare spoken: why then did she say before this child anie thing which should not be done? And chiefly a matter so dangerous and so vnfitting? Did she not know that children (as being humane creatures, and subiect naturally vnto vices) doe keepe and remember the bad sooner then the good? And especially the females, as being more vicious then the males. Some may say that it was a mischiefe, which shee nor any other would euer haue thought vpon: but I answere that they ought to bee cut of which are the cause of such misfortunes, to the end that they may no more commit the like mischiefs, or at the least by their occasion there doe not happen some other greater mischances. If she haue liued so badly, that she had no neighbour or friend so fauourable vnto her with whom she might haue left her little son in her absence, shee is not worthy to liue any longer; and if she had any vnto whom she might haue recommended the same, she is likewise worthy of death for not doing the same. Of what thing ought a mother to be more tender and charie, then of her child? Why then could shee suffer the one to die by her negligence, and heaping mischiefe vpon mischiefe, murther the other by her malice? What Tigre, Wolfe, or other wild beast, though neuer so cruell, which will not onely bee carefull of her yoeng ones, but also will euen vnto the

death

death defend them from those that seeke to hurt or harme them in anie sort? How much lesse then will they themselues be so cruell as to kill them? Wherefore must I be the only speaker in this case, when as with iust griefe I can hardlie speak anie more? If no punishment shall be vsed when women (who ought to bee true examples or perfect patternes of kindnesse and pittie) are more cruell thē sauage beasts, I know not what I should say? Sauing onelie that they are happy which either liued before vs, or that shall be born after vs, without beholding this our most vnhappie age, if such a woman may be suffered to liue anie longer therein, who after she hath ben the cause of her sonnes death, hath yet further ben the author of her daughters destruction.

The Answere of a friend for the woman.

WHerefore doe you procure the death of such a one who desireth nothing so much, as to die? Doe you thinke that this poore woman is not sufficientlie afflicted, but that you must further seeke to aggrauate her sorrow? Alasse wee may by her example verie wel perceiue, that a mischiefe neuer commeth alone, seeing that first we haue euer known her to be poore, next she hath lost her husband, the onlie stay of her poore life, then her sonne, and afterwards her daughter, and that which is worst, she is not onlie a prisoner in danger to lose her life, but also he which ought to releiue her and procure her deliuerie, seeketh her destruction. Surelie the least of so manie miseries wherein she is on all sides cōpassed, is sufficient inough to make her worthie of compassion, and free her from punishment. Whereof doe you accuse her? Do you not know

that

that it is not in our power to bridle the first motions of a iust anger? Know you not that the griefe which she suffereth because she hath killed her daughter, exceedeth all the tortures that may bee inuented to torment her? For more harme doth a mischiefe that tormenteth the heart, then all the tortures which may wound the bodie are able to hurt. Whereas you accuse her of follie, the follie is your own when youwould find in a silie woman, that which may hardlie be found in those that gouerne monarchies or Prouinces. Doe you not know that there is no vertue which is not by pouertie neglected? And that necessitie hath no law? Wherein then hath a poore woman offended, who hauing no other means, did leaue her children at home, whilst she went abroad to get her liuing? You speake of friends, and neighbours; it is too manifest that charitie is so exceeding cold, that if one doe but twise desire a fauour or pleasure at anie mans hands, he is straight said to be importunate: moreouer, it is to be considered, that to take those out of the world who haue ben the cause of some great mischance is not the next way to redresse the mischiefe, but rather to encrease it. Concerning the naturall malice of little children, being conceiued in sinne, and that they retaine, or imitate the bad rather then the good, aske nature wherefore they are so? But you shall find that he which accuseth nature, condemneth himselfe, for we are all subiect to her lawes. If euerie thing should be taken at the worst, and according to your saieng, the most part of men should deserue death, and you might be one of the same number? Where do you find that he or she is vnworthie to liue which hath not either a faithfull friend, or a louing neighbour? Seeing such happinesse is so rare, as all those which haue written

ten

ten vnto this preſent time, doe not make mention of ſix paire of faithfull friends? Amongſt whom are *Theſeus* and *Perithous*, *Achilles* and *Patrocles*, *Lælius* and *Scipio*, *Oreſtes* and *Pilades*, & he muſt be a good friend with whō one would truſt his child, and more then a good one, if he will ordinarily haue the care and trouble to look vnto it. How would you then find amongſt poor women that which ſo ſildome is found amongſt ſo many famous men? It is verie likelie that this woman did not kill her daughter as being cruelly addicted to murther, but rather as being ouercome with a iuſt cauſe of anger. The compariſon which you make in likening her vnto a brute beaſt is very odious, ſeeing that ſhe would not onelie haue defended her children againſt all thoſe that would hurt them, but alſo that the compaſſion which ſhe had to ſee one of them dead, induced her to ſtrike the other. In all ages there haue ben ſeene manie ſhrewd turnes and miſchances, therefore the fault happened in this our age may be repaired, if the Iudges wil be pleaſed to bee as mercifull as you would haue them mercileſſe, for by that meanes the offence of a woman ſhall be the cauſe that in after ages the mildneſſe of our Iudges ſhall be remembred.

Declamation. 79.

Of a Turke who bought a child with a red head to make poyſon of him.

A Poore woman hauing but one ſonne which was of a red coloured haire, which the Frenchmen doe in a mockerie call the diſſembling haire, put her ſaid ſon to ſerue a merchant, who within a while carried the child with

him into Turkey, who whileſt he there remained, there came a Turkiſh Phiſition oftentimes vnto the ſaid merchant, to enquire whether he would ſell the red boy? But the merchant alwaies anſwered him that he would not, vntil that on a time the boy ſaid vnto him ſecretly: Maiſter ſell me well, and giue the money vnto my mother to releeue her pouertie, and I will find the meanes to run away, and to eſcape from him well enough, ſo that I will returne vnto you or to my mother; the merchant agreed thereunto, and ſold the boy for a certaine ſumme of Ducats, hoping to ſee the boy againe, but within a while after hee was very much abaſhed when he could ſee him no more. Wherfore he demanded of the Turke where the boy was, and intreated him ſo earneſtly that he might ſee him again, that the Turk hauing brought him into his houſe ſhewed him onely the boies head, and all the reſt of his quarters boiling in a cauldron, wherewith the merchant was greatly amaſed, but diſſembling his ſorrow as much as he could, asked the Turke what he would doe with that child boiled, the Turke anſwered him that it was to make poyſon, and that he hoped to gaine more then ten thouſand ducats by him: the poore merchant being very ſorrowfull, brought the money home with him, and gaue it vnto the boies mother, telling her not without teares the whole truth of the matter, the mother refuſed the money, and required iuſtice of him that had ſold her ſonne, accuſing him to be the cauſe of his death, and theſe were her reaſons:

WHo is more miſerable then I? Seeing by the fault of him with whom I would haue truſted mine owne life, my ſonne (being his ſeruant) was euen in one month ſold as a ſlaue, & then moſt cruellie ſlaine: and why was he ſlaine? Alaſſe to be not onelie the inſtrument and cauſe of the death of manie others, but it may be to ſerue for the ruin and de-

ſtruction

ſtruction of all Chriſtendome ſince there needeth but a little poyſon to murther thoſe that defend the ſame : I did lend thee my ſonne to doe thee all good and honeſt ſeruice, vpon thy promiſe that thou wouldſt vſe him as thine owne; I doe aske thee whether thou wouldeſt euer haue ſold thine owne ſonne vpon anie condition whatſoeuer? Wouldeſt thou not haue ſent him to trauell abroad, to ſee the world, and to learn vertuous qualities, that he might bee a ſtay vnto thy age, and a profitable member in the Cõmonwelth? I hoped to haue had the like of my ſonne, and the loſſe ought not to be eſteemed anie thing the leſſe, becauſe he was ſonne vnto a poore woman, for they when they once giue their minds vnto learning or anie other good qualitie, doe become more vertuous : as for example, *Agathocles* King of Scicilia, was not he the ſon of a potter? *Viriat* king of Portugal, *Otto*, and *Tamberlane* Emperors of the Eaſt, were all three ſhepheards : *Arſaces* king of the Parthians would neuer bewray who were his Parents. *Ptolomey* the firſt of that name being king of Ægypt, the ſon of an Eſquire, *Eumenes* one of the ſucceſſors of *Alexander* was the ſonne of a wagonmaker, *Diocleſian* Emperor of Rome was the ſonne of a Notarie, *Pertinax* likewiſe an Emperor of Rome, his grandfather was a bondman; *Valentinian*, the ſonne of a ropemaker; *Proba* the ſoune of a gardener; *Æmilius* knew not from whence he came; *Maximinus* was the ſon of a Muletter, with an infinit number of others of farre baſer parentage then was my ſonne, that haue ben the honor of all their countrie. Alas muſt the loue which I did beare vnto my child be meaſured by thy couetouſnes? Doeſt thou not know that a Turke neuer buieth a Chriſtian for anie good that he wiſheth vnto him? And if he did,

oughteſt thou to allow him to deceiue his maiſter, and to run away from him? Thou ſhouldeſt haue chaſtened him for inuenting ſuch a villanie; for I did not giue him vnto thee to the end that thou ſhouldeſt conſent vnto his wicked counſell, but that he ſhould be wel counſelled and inſtructed by thee: but I doe very well perceiue, that it is not ſaid in vaine, that couetouſneſſe is the root of all miſchiefe. Curſed be the gold, I will haue none of it, for I know wel that they which wil liue according to the rule of nature, haue no need thereof, and they which will liue after their owne mind, haue neuer inough, of which number thou art one, and that hath cauſed thee to caſt away my ſon ſo miſerablie, for the which I demand iuſtice.

The Merchants Anſwere.

WHy doeſt thou perſecute me, O thou woman, for a miſchance that diſpleaſeth mee no leſſe then it doth thee? If it were otherwiſe, might not I haue kept this gold and haue made thee beleeue that thy ſon had ben run away from me? Yea, and that he had robbed me, or els that hee had died by ſome other accident, then couldeſt thou well haue indured thy ſonnes loſſe, together with thy poore life; but indeed thou verifieſt the old Prouerb, which ſaith, That a woman is extream in all things, and that likewiſe ſhee commonly chuſeth the worſt: whereby I might haue been better aduiſed, when I told thee of this miſhap, being therfore no leſſe ſorrowfull then thy ſelfe, for to ſay the truth, it was a great lamentable miſchance, and now I doe verie well know how vnſeemely it is for anie man to ſay, I had not thought, becauſe euery wiſe man thinketh vpon euerie

thing

thing before hee doe anie thing: Notwithstanding, I dare affirme that few men would euer haue supposed that of a child there might be poyson made to kill men: and surely I doubt whether thou art to bee blamed or no for bearing such a one: for such children are begotten by vnlawfull coniunction, when the woman is in her wicked disposition. Furthermore, if my son should haue persuaded mee to leaue him with that Turke, I know not whether I should haue done it yea or no. Lastly, I suffered him to doe what he would, thinking it should haue beene for his profit and thine, our deedes ought to bee measured by our good or bad meaning, and not according to the euent therof: and say not that a Turke dooth neuer buy a Christian to doe him anie good, for manie slaues doe there become great lords, and gouernors of Prouinces: thy sonne would not credit my counsell, and although I had not consented vnto his request, yet would he haue left me to accomplish it: the couetousnesse was in him, and not in me, hardlie may he bee either counselled or corrected that is naturallie enclined to wickednesse as hee was, and I beleeue that hee had that from thee, seeing that to the death of thy sonne thou wouldest ad the destruction of the dearest friend that thou hast in the wortd, and who in stead of thy sonne and husband would bee the stay of thine age, and alwaics helpefull vnto thee. But it is trulie said: women naturallie can neuer forgiue a fault, nor acknowledge anie seruice or fauour that is done vnto thē.

Declamation 80.

Of him that agreed to behead his father, after his father refused to doe the like by him.

IT chanced that a father & his ſon were both conuinced of treaſon, for the which they were condemned to die, neuertheles as they were readie to bee executed, the Iudges being inclined to mercie rather then rigor, were willing to ſaue one of them, ſaying that the griefe which hee ſhould haue that might ſee his kinsman die, would ſerue for a ſufficient puniſhment, and to encreaſe the ſame, they feigned that the one of them ſhould be the others executioner, & they put it vnto their choice who ſhould be the executioner, and who the partie to be executed: wherefore either of them ſtriued a great while who ſhould be the partie to be executed, but in the end the ſon agreed to the death of his father, and according to the decree would haue beheaded him, the which the Iudges perceiuing, they cauſed the execution to bee ſtaied, and pardoned the father, and ſent for the hangman to behead the ſonne, but the father defended him, ſaying:

YOu ought not, O you Iudges, to pronounce your ſentences in manner of a mockerie, or by the ambiguitie or reuocation of them to increaſe the affliction of the afflicted, vnder a coulour of moderating iuſtice with mercie: if mine offence be not worthie of death, why will you make me ſuffer many? That is to ſay, one in ſeeing the extremitie of the choice wherevnto you haue put vs, another in contemning my life and offering vp my necke at naught to be cut of by my ſon, and the third in ſeeing him to be condemned for being willing to accompliſh your ſentence? If it bee a cruell deed to ſee a ſonne execute his father that thereby hee might haue his owne life ſaued, a greater cruelty would

it be for the father to kill the ſonne? Wherefore O you Iudges you ſhould not haue giuen ſo cruell a ſentence: but can you blame a child if to ſaue the prime time of his youth, he doe not ſpare the withered age of his father, whoſe yeares are not manie, and they miſerable? For to ſay the truth, age is an incurable maladie; but although it were not, yet ſure griefe and diſpaire would be my deſtruction: if you haue anie children, conſider then what our miſerie is? And if you haue none, learn of thoſe which haue them, what the affection of fathers towards their children is? And then may you know that the extremitie of the choice which we haue beene put vnto, without encreaſing our miſerie, is ſufficient to make vs ſeem more worthie of preſent pittie thē of further puniſhment. Not in vain did *Liſander* of Sparta ſay vnto him that found him childiſhlie playing with his children, I pray thee (quoth hee) doe not diſcloſe this my follie at anie time, vnleſſe it be when thou haſt children as wel as I: for that diſcreet perſonage did very wel know, that thoſe which haue no children, doe neuer know how great the father and childrens loue is one vnto another, the which doth wax more feruent as our years and age increaſeth: wherefore it is no great wonder if my ſon hath conſented to doe that which I could neuer agree vnto, ſeeing that his yeares are all too yong as yet to vnderſtand ſo wel as I what true affection meaneth: therefore I cannot beleeue that he whom *Manlius Torquatus* cauſed to be beheaded (to manifeſt his care in obſeruing militarie diſcipline) could aſſuredlie be his own ſon, the which perchance himſelfe did well vnderſtand, & for that cauſe hee found occaſion at one ſtroke to be both reuēged of the mother, in grieuing her with the ſlaughter of her ſonne (the cauſe and witneſſe of

his ſorrow) and alſo by the ſame means to gaine an immortall memorie: I ſay memorie, becauſe ſuch kind of crueltie is not to be tearmed glorie. But how many are there who for want of yeares and diſcretion haue conſpired their fathers death, and yet haue not beene compelled therevnto as this my ſonne was, but onlie either for the deſire of rule or greedineſſe of goods? notwithſtanding there was neuer anie father ſo cruell as to puniſh his ſonne for all that, except *Herod* that abhominable monſter, more cruell then anie brute beaſt; But *Dauid* did not he weepe for his ſonne *Abſolon*, by whom he had receaued ſo manie deteſtable perſecutions, and iniuries? Muſt there then be a quarrell taken, becauſe I haue ben more pittiful then my ſonne? who neuertheleſſe would not do anie thing without my commandement, & by the dutie which he ought vnto me, which hath chieflie induced him heretofore to commit that offence for which we are both condemned. Laſtlie, reaſon willeth that your laſt ſentence be not reuoked, for no ſentẽce ought euer to be reuoked to the hinderance or preiudice of ſuch as are to ſuffer: if one of vs muſt die, it is I that ought ſo to doe, ſeeing that I was firſt born, and being the elder, I haue offended through malice, but he through ignorance, I willinglie, and he in obeying me; I then being the onlie cauſe that both hee and I haue offended, it is requiſit that I onlie ſhould die for both our miſdeeds: and neuer imagine that my ſonne doth for all that eſcape vnpuniſhed, for as all my miſerie ſhall in my death haue an end, ſo ſhall his calamitie in liuing together with his yeares dailie more and more increaſe, as well in grieuing that hee hath offended the Commonwealth, as that he hath ben conſtrained to kill his father by their commandement, who

ought

ought to abhorre the onelie thought of ſo execrable a crueltie.

The anſwere of the Iudges.

OVr ſentence was not pronounced by way of mockerie, neither was it reuoked to encreaſe your miſeries, but onlie to know (ſeeing you are both twaine worthie to die) whether of you is moſt vnworthie to liue: for mercie which aſſuageth Iuſtice, ought alwaies to be extended towards him that is leaſt culpable. Wherefore finding your ſonne more faultie then you, we haue appointed him to die, yet not by your hands, for we know that the ſame were rather crueltie then iuſtice, but we haue hereby made a certaine triall whether there were anie vertue remaining in him, when in conſenting vnto your death, he hath bewraied his vngraciouſneſſe, ſo that except you bee yet an enemie to your countrie, you ought not to bewaile the death of a man ſo wicked, or a ſonne ſo worthleſſe; but we plainlie perceiue that euerie one fauoureth ſuch as himſelfe is, and that you will neuer ſurceaſſe to hate the Commonwealth: ſo that it will bee no great loſſe although you ſhould (as you ſay) die with griefe; for ſuch a loſſe ſhall be more profitable to all, then hurtfull to anie: likewiſe of two wicked men we had rather ſaue him that by courſe of nature will die the ſooneſt, and which hath little time, and leſſe ſtrength to accompliſh his wicked purpoſe. We haue children, but if wee did know that they would euer bee like vnto you or your ſonne, wee would preſentlie doe with them as wee will with him, and as wee ought to doe with you; they are to bee pitticd which are poore and miſerable, not ſuch

as

as are wicked and malefactors, for as to afflict the good it is an act of crueltie, so to punish the bad, is a deed of charitie: we doe not cause your sonne to die, for being willing to accomplish our sentence, as you say, but because he being alreadie worthie of death, the same doth make him more worthie, and wee doe saue you by our speciall grace, because you would not kill him, shewing your selfe at the least a better father, then he is a sonne: and the dutie which he ought vnto you can bee no excuse for him, for it is verie apparent that he would hardlie euer haue obeied you, had you commanded him to doe anie good: true it is that neuer anie sentence is to bee reuoked to the hinderance of the good, but as wee haue moderated the first to saue the life of one of you, so is it lawful for vs now to applie the other in such sort, that he may die which is most wicked. Also the choice which we doe put you vnto cannot bee called crueltie, seeing that it was not to that end that it should be so effected, neither was the same anie suddaine inuention of our owne thoughts, but it is to bee considered that the wickednes of malefactors causeth the iudges to inuent new & extraordinary punishments, thereby to represse vice the sooner. To conclude, if you thinke that we do you any wrong, you may appeale vnto those who haue as great authoritie ouer vs as ouer you.

Declamation. 81.

Of a Chirurgion who murthered a man to see the mouing of a quicke heart.

THere was in Padua a most cunning Chirurgion, excelling all others of his time, who hauing made wonderfull experiences of his art (for no lesse is the desire of cunning, then is couetous of coine) had also a wonderfull great desire to open a liue man, that he might perfectly know the motion of the heart, whereupon hee made diuers and sundrie requests vnto the Senat of Venice, that they would grant vnto him some condemned malefactor, to make therewith this his desired experience, but he could neuer obtaine the same at their hands, for the Venetians are by nature not only pittifull, but also somewhat superstitious. But these refusals did but the more encrease the longing of this Chirurgion: for to say the truth, euery haulty spirit are in that like vnto women, who doe for the most part couet after that which they are forbidden to touch. So that hee being still in this rauing or rather longing, there came vnto his doore a poore souldiour, very well proportioned and of a sound bodie, comming newly from the wars, and demanded his almes of the Chirurgion, who caused him to come in, and cherished him secretly some three daies after his owne fantasie, afterwards hauing brought him downe into a caue, he caused him by certaine fellows hired for that purpose, to be bound vnto a post, and opening him aliue, he saw that in him which he so greatly desired, but as no murther can euer remaine vndisclosed long, so it happened that one of his confederats was taken for some other crime, and being vpon the racke, he amongst other matters, reuealed the murther which he, his companions, and the Chirurgion had committed whereupon they were all taken, and the Chirurgion confessed the fact, saying:

TRue it is most iust Iudge, and you worthie Senators, that I haue ben the death of one man to saue

the

the liues of an infinit number of others, not onelie by the cures which I hope to performe during my life, but by that which I will leaue behind mee in writing after my death: wherefore it may bee said that hauing made an experience so notable and profitable, I haue done worthilie, but hauing killed a guiltles man I haue done wickedly. I confesse it, and would confesse to haue offended more hainouslie, if I had not more then once intreated, that to preuent a further mischiefe, I might haue beene allowed to make this triall vpon some condemned malefactor, the which I was neuer permitted to doe: some one may answere, must you therefore kill an innocent? Or doe that by your owne authoritie, which a whole Senate would neuer allow? Doe you thinke that your authoritie alone is greater, or your wisdome more then all theirs together? God forbid worthie lords, that I should euer presume anie such matter; but I dare & that trulie affirme that it is lawfull for Chirurgions to doe many things which is not decent to be allowed by the Senators: nay, they would abhorre to heare it but mentioned; what a thing were it if at all times when a mans leg or arme, or the breast of a woman must bee cut off, to saue the rest of the bodie, that first the Counsell should bee moued, or leaue requested of the Senat for the same, would it not bee a horrible matter? And as at Rome heretofore the first Chirurgion was stoned by the people; so would they now become verie odious vnto the Senators, being vnskilfull of the profit of that art: therefore all things which are odious, but necessarie, ought to be done in the most secret manner that possiblie they may be; let not this then be any further reuealed, which for a good intent & vpon a most iust occasion I haue done secretly: concerning

ning the innocencie of him vpon whom this trial hath ben made, there is no proofe nor any certainty thereof, but rather manie presumptions to the contrarie: for first he had a bad countenance, hee came from the wars which is a place wherevnto one goeth to no other end but to kill, or to be killed, he left his captain in the midst of his wars, without either leaue or pasport from him, which is a manifest proofe that hee was attainted of some notable crime, or els is worthie so to be for flying from the field, or not performing such duties as souldior are sworne to obserue; for none ought to bind himselfe vnto anie thing without doing his indeuor to discharge the same; He was poor and oppressed with hunger, wherefore I may say that his death hath saued their liues whom it may bee hee would haue robbed by the high waies: for commonly those which are idelly brought vp in the wars, doe neuer desire to gaine their liuing by an honest trade or exercise, so that in the end they become fit to furnish the gallows. If then his offences haue induced mee and mooued my mind vnto his preiudice alone, to act that which is for the dommoditie of many, euery louer of arts, and welwiller of the Commonwealth, will not find this deed so strange as it seemeth in shew to be vnto the ignorant & vulgar sort; but they will rather iudge it to be somewhat commendable. To conclude, most worthie Iudge, and you famous Senators, I trust so much in your wisdomes, as it will please you to consider that euery bad act, which is not onely grounded vpon some iust reason, but also which redoundeth to a benefit & profit no lesse wholesome then necessarie for the whole Commonwealth, is turned into a good act, or at the least is sufficient to excuse the authour thereof: and especially when the same

hap-

happeneth not casually or by chance: but proceedeth of a good, free, and sincere intention as mine may bee tearmed, and as all my actions haue euer beene knowne to be.

The Answere of the Atturney Generall.

THe accusation of your companions inforceth you to confesse your fault, and your iniquitie causeth you to allow the fact, which maketh your offence not only double, but also treble, in that you seem to prooue by friuolous reasons, before so worthie an assemblie, that you haue not misdone; which is both absurd and false, for neuer can anie bad act, bee the beginning of anie good deed: but I would know, who hath made you more able, or more bold, to desire to try that which so manie excellent men in times past, would neuer attempt, because they woulde not doe anie thing cõtrarie vnto humane pittie; could not you comprehend that which you seeke by consideration, as well as others haue done before you? Trust me, in going about to shew that you are more sufficient then all men, you therein do plainlie set forth your ignorance, which can comprehend nothing without experience. It seemeth by your saieng, that all the skill of your art consisteth in experience; if it bee so, you ought to haue in your bodie euery disease or accident one by one, whereof you would cure others, or els you must beleeeue that which other men haue written thereof: the which you should also haue done without making such a cruel experiment, the which (if you had been as well aduised as you were curious) might haue ben done vpon some beast whose entrals had not beene much vnlike vnto a

mans;

mans; but as thoſe that haue vſed to ſhead humane blood, cannot refrain from the ſame when they would, ſo you being accuſtomed to cut off members before there be anie great need, waxing euerie day more cruel then other, were deſirous to come ſo neer as the heart: Therefore he which ſaid that Phiſitions are Alquimiſts of mens bodies, ſhould likewiſe haue ſaid that Chirurgions deſire nothing ſo much as wounds and ſores. If the decrees doe forbid to make an anothomie of a dead bodie, & the Senat would not grant vnto you one that was condemned, was not that ſufficient to make you know that you ſhould offend God and his law in cauſing a man to die for your owne pleaſure? And it is not enough for you to haue ſlaughtered him, but you muſt yet further goe about to ſlander him; ſurelie, it is an ancient cuſtome of the wicked to blame the good, for you who are a notorious malefactor, would reproch him whom you neither knew nor euer frequented his companie, except when you murthered him, vnder the coulor of charitie and deuout hoſpitalitie. Were not you bound (he being in your houſe and protection) to defend him againſt all thoſe that would in anie ſort hurt him, which is farre from murthering him your ſelfe? I know not whether the Romanes did amiſſe in ſtoning *Taliſter* their firſt Chirurgion: but I am ſure that wee had beene better not to haue giuen ſo much authoritie vnto ours. The ſurmiſes which you alleage againſt the dead, are neither credible nor of anie worth, for few men had a worſe countenance then *Socrates*, neuertheleſſe there was hardlie found a better man in all Greece or one more harmleſſe then he: you ſay he came from the warres; It was a ſigne that he abhorred the crueltie thereof, and there is none but you that ſaith he was run

away

away from thence without a paſport; I would know if it were ſo, how he could paſſe ſo far as your dore? You reprooue him for his pouertie, but where doe you find that pouertie is a vice? I ſay that when a ſouldiour commeth poore from the warres, it is a ſigne that hee hateth the theſts and robberies wherewith by ſuppoſition you would accuſe the poore dead man: but who hath appointed you to puniſh another mans faults: and eſpeciallie thoſe which are vnknowne vnto you? If as you ſay your ſpirit was mooued to doe the ſame, it behoueth to ſeperate that ſpirit from the bodie, which is ſo readie to effect the euill deſires thereof: Neither is that fit to be allowed which the people doe diſlike altogether, for it is the common opinion, that the peoples voice proceedeth from Gods voice. Moreouer, if ſuch faults ſhould be borne withall, it is to be feared that the people ſhould not (onlie) be ſcandalized therby, but alſo they might eaſilie immitate the ſame, for there is no offence ſo great that findeth not ſome ſhew of a lawfull excuſe, when the Iudges are diſpoſed to winke thereat: But why doe I ſay (onlie) ſaue onelie becauſe vices are vnpuniſhed? Let vs therefore doe well, leaſt this Commonwealth which hath flouriſhed twelue hundered years through the good iuſtice obſerued therin, ſhould decay if the ſame were now neglected, for the ſame corruption which is in a bodie without a ſoule, is in a Commonwealth without Iuſtice. Conſider then you worthie Iudge and Senators, that neuer murtherer had his wil or intention, good, free, or ſincere, as this fellow ſaith his is, for the actions are alwaies witneſſes of the intent and meaning of men.

Declamation. 82.

Of a rich man that compelled a poore man to giue him his daughter in marriage.

THe law appointeth, that euery maiden that is taken by force, or she whom one hath had at his pleasure by any manner of compulsion or abuse, may either chuse the death of him who hath forced, constrained, or abused her, or els he shall bee bound to take her to wife without anie portion at all to her mariage. Whereupon it happened that a rich man of Greece entreated a poore man of the same countrie three sundrie times, to giue him his daughter for wife, but the poor man would not, within a short time after as hee went together with his daughter to goe to some place by sea, the ship happened to wracke, so that the poore man and his daughter saued themselues in a little Island belonging to the said rich man, who at the same instant chanced to be there, wherefore this occasion fitting to his desire, hee friendly entertained the old man, made him good cheare, and again requested him to bestow his daughter vpon him, the poore man made him no answere at all but wept; the rich man finished the marriage with her the same euening: euerie one being returned into the cittie, the father would haue carried his daughter before the Magistrate, but her husband would not consent that she should goe thether. Whereupon the poore man said vnto him:

LEt my daughter come before the Magistrat, if thou be an honest man, for if she bee thy wife, what needest thou to feare? But if thou hast constrained her,

why wilt not thou ſubmit thy ſelfe vnto her choice, thy feare accuſeth thee, and is a witneſſe that thou didſt take her againſt her will; thou art no honeſt man if thou feareſt that ſhe will chuſe thy death, for he which forceth a maid cannot die too ſoone; why doe you doubt if I haue giuen you my conſent? If I haue denied you, why ſhould you haue her? Hauing demanded her of me when I was at libertie three ſeuerall times, I did euerie time denie thee: and the fourth time being in thy power, not daring to refuſe thee with my tongue, I refuſed thee with mine eies and my teares, ſeeing then that by two ſeuerall meanes thou wert refuſed, and that no bodie agreed that thou ſhouldeſt haue her, how canſt thou denie that thou tookeſt her by force? Alas, I doe leſſe grieue at my loſſe by ſea, then I am ſorrie for the other which I haue ſuffered ſince my comming to ſhoare, for betweene the time of my ſhipwracke, and the forced marriage of my daughter, there was not one night. What ſonne in law would not tarrie vntill his father in law had dried vp his teares? But how ſhould I truſt thee with my daughter, ſeeing thou dareſt not truſt me? Thy malice is an hinderance thereof, for thou knoweſt verie well that thou art the cauſe of our ſhipwrack, hauing made a fire not in the vſuall port of thine Iſland, but in ſuch a place where thou wert well aſſured the ſhip could not arriue without wracking, ſo as not in the ſea but in the countrie wee were caſt away? And I was twiſe caſt away by the loſſe of my daughter, euen when I was wet, and being aſtoniſhed with the ſea, and giddie with the wind and waues, thou cameſt vnto me to requeſt my daughter: as a ſhip wracked man, and a captiue I did my indeuour, refuſing that by my teares, which being free I did with my tongue three times de-

nie

nie thee, thou rich leacher, but yet thou seing vs in such calamitie, thoughtest once more to win vs to thy lure. It must be knowne whether that may be called a mariage which is done in the nooke of an iland being almost desert, where none were present but a few people that escaped from shipwracke, all our tears were tokens that wee desired no such thing. They are arguments of vnwillingnesse and witnesses of the hearts sorrow, no man weepeth for that which he desireth, but teares are in steed of intreaties for those which are shamfaste, and are ashamed to intreat; Thou canst not then deny that thou tookest my daughter by force, and it is the more likelie, because thou wilt not submit thy selfe to law, and stand to her choice whether shee will haue thee for her husband or no.

The rich mans answere.

THou hast nothing to say nor anie thing to doe with my wife, except it be to see her. Neuertheless, I refer it to her owne choice whether shee will goe to the Magistrate yea or no: but I would not that it should bee at thine instance nor when thou wouldest, for I doe verie well know that she was neuer content with those refusals that thou madest me, therefore can it not bee said that I haue taken her against her will, nor against thy liking, for by the lawes silence is a consent; concerning thy teares, I tooke them for a good token, beleeuing that they proceeded for ioy, not only that thou haddest escaped drowning, but to see that in so great miserie I did not yet disdaine to be thy sonne in law, as also that thou wert ioiful to behold my constancie in louing thy daughter. For teares are not as thou saiest alwaies signs

of ſadneſſe,but ſometimes tokens of ioy,and eſpecially when they are accompanied with ſilence,for ſorrow inforceth a man to ſpeake,and ioy prouoketh ſilence. As for the fire which thou ſaieſt I did make to cauſe the ſhip wherein thou waſt to bee caſt away, there is none but thou that cõplaineth thereof,for euerie one knoweth that my ſheepeheards made that fire for their commoditie, without thinking to hurt anie man thereby. And for the marriage it was ſolemnized as commodiouſlie as the place could afford. And it is not to be wondered at, if one who hath long time loued moſt feruentlie,did take the fruition of his loue as ſoone as poſſiblie he might,for the nature of louers is, to thinke euerie minute a month; and fearing to loſe the good ſo much of them deſired, they can hardlie beleeue that which they both ſee and touch. I will willinglie ſubmit my ſelfe to the law, but I will not that thou ſhouldeſt haue the credit to compel me in anie ſort. Thou haſt no cauſe to complaine of thy ſhipwracke, ſeeing that from the ſame two holie actions haue proceeded, that is to ſay,hoſpitalitie,and mariage,I offered thee the one,and intreated thee for the other. Thou art deceiued if thou thinkeſt that I will loue thee or thy daughter anie whit the more, my life hauing ben once in your power, the loue which I doe beare vnto her is great inough, without bringing me vnto ſuch an ouergreat extremitie, far better is a free and voluntarie loue, then is that which proceedeth from anie bond; my affection cannot be increaſed, becauſe it is alreadie perfect. My marriage declareth that I neither rauiſhed nor conſtrained thy daughter at all, vnleſſe it be becauſe I married her without anie ſubſtance at all, if thou art not content that I haue ſo done,giue mee her portion and I will accept it.

If thou haſt no goods, vſe mine as the goods of thy daughter, and let vs liue in peace.

Declamation. 83.

Of a blind woman that would haue detained her ſonne from redeeming his father out of priſon.

THe law appointeth, that euery child which was old inough to ſeruc and releeue his father or mother, and would not indeuour himſelfe ſo to doe, ought to bee impriſoned or kept in bonds as a bondſlaue. Whereupon it chanced that a man made a long voiage by ſea, leauing his wife and ſonne at home; being vpon the ſea, he fortuned to be taken by Pyrats, ſo that he was conſtrained to write vnto his wife and ſon, that they might find the means to ranſome him out of captiuitie. The wife wept ſo much as ſhe became blind therewith, the ſonne would needes depart to redeeme his father, but his mother would detain him, demanding that ſeruice at his hands whereunto the law did bind him, and would haue cauſed him to be laid in bonds, becauſe he would not tarrie, the ſonne pleaded againſt her thus:

IT is ſufficient that two remaine in bondage without deſiring that the third ſhould likewiſe bee laid in bonds, the priſon detaineth my father in thraldome, and your bondage mother is your blindneſſe. Wherefore will you heape miſerie vpon calamitie in bringing me alſo in captiuitie? what wrong doe I vnto you in leauing you a little while for ſo good an intent as to releiue my father? Will you haue the world to doubt that you are not ſo louing a

wife towards your husband as alwaies hetherto they haue eſteemed you? Will you that for your ſake a man may ſay that all women are in their extremities? Doe you not know that vertue conſiſteth in a meane? Will you haue me to forſake my father? do you not perceiue that his captiuitie ſummoneth mee to trauell for his libertie? Doe you not conſider that the chiefeſt part belongeth to the father, and the ſecond vnto the mother? He is abroad, you are at home, he is in bondage, you are free, you are amongſt pittifull Cittizens, hee in the hands of pittileſſe Pirats, his feet are fettered, but thanks to God yours are at libertie: true it is that you are blind but alaſſe he is farre more miſerable then you, for your blindneſſe hindereth you from beholding an infinite number of things which would vex you, but he continuallie ſeeth his enemies, vieweth his chaines whippes and baſtinadoes which he often feeleth and hourly feareth, and looketh vpon the oare and other inſtruments wherewith he is euermore tired. You ſay the voiage is too dangerous for me, how manie are there, that to win the loue of ſome gay ladie, will not ſticke to aduenture anie daunger whatſoeuer? Why then ſhould I feare to deliuer my father? Conſider that ſuch as hinder others from well doing, doe amiſſe themſelues, and that hee which giueth not all the aid he can vnto thoſe that are afflicted may be well ſaid to bee the onlie cauſe of their affliction. Wherefore deare mother, I beſeech you not to be one of that number, or if you will needs bee, yet ſuffer me not ſo to be.

The mothers Anſwere.

IT is thou that deſireſt vnto my husbands loſſe to ad my ſonnes lacke, and ſo finallie to procure my vtter deſolation, leauing mee here alone blind and poore;

If

If thy father being old & subtle, could not escape from being taken by Pirats? How wilt thou being yong and simple, shun the like perils? Doest thou say that thou shalt leaue me for a small time, when I know thou canst neuer return? If thy father had beleeued me, he should not now haue ben in that calamitie wherein he remaineth, and into that which thou wouldest cast thy selfe, neither yet should I haue beene constrained to haue brought that loue in question which thou saiest thou beare st vnto vs both; in that which I require, there is no extremitie at all, for being bound vnto twaine, he or she that is present, may command as being the neareſt: thy death or thy losse will not anie whit deminish, but rather double thy fathers miserie, when he shal know it, if he be not dead alreadie, as I fear he is: For yong men may die too soone, but old men cannot liue anie long time: if he were aduertised of my blindnesse, I am sure he would command thee not to forsake me; how wouldest thou then haue thy voiage to prosper when thou vndertakest it contrarie to thy fatherrs meaning, and against thy mothers mind? Where is thy true obedience? Is this the recompence for my bringing thee forth with so great pain? And for nursing and bringing thee vp with such exceeding care? In seruing me thou doest well, in leauing me thou doest ill: so that thou canst not saie that I hinder thee from well doing. But I would rather persuade and compell thee therevnto if I could: likewise, I haue as much need of helpe as thy father hath, who did himself command thee not to forsake me, when he departed from hence; and then being not blind, I had no such need of thee as now I haue. Neuer imagine that God will euer fauour thee if thou now forsakest me.

Declamation. 84.

Of a rich man who thinking to burne the tree of a poore man, did also burne his house.

THe law appointeth, that whosoeuer harmeth another man vnaduisedly, he must but onely recompence the hurt that is done, but if anie doe a mischiefe of set purpose or maliciously, hee must make satisfaction for the same fourefold. Whereupon it happened, that a rich man dwelt next house vnto a poore man, that had in his small garden a great tree growing, which did take away a great part of the prospect from the rich mans house, who did oftentimes intreat the poore man to sell him the said tree, but hee would in no sort consent thereunto, affirming that it ought to remaine there in remembrance of his deceassed father, who had himselfe planted the same. At the last, the rich man seeing that he could not preuaile, did vpon a night set the said tree a fire, which flamed out so vehemently, that therewithall he burned the poore mans house. For which the rich man offered to pay for the tree fourefold, but for the house he would pay no more then once. On the contrarie the poore man would haue him make a fourefold satisfaction both for the one and the other, saying:

IF you had not maliciouslie set my tree on fire, my house had not ben burned. But what likelihood or proofe is there, that you meant not to burne my house with me and my familie therein, as well as the tree, seeing that the one was so neere adioining to the other,

and

and that you fired the same in the night season, yea, and that about the time of our first sleepe, which is the deadest time of all, watching a fit season when as the wind blew directly toward my house that you might be able to saue your own from harme? Where is iustice? What is become of the laws, seeing that what could not bee obtainted by entreaties, nor effected by threats, is attained by force vnto the daunger of the liues of a whole familie? What doe you call tyrannie, but onlie when a man doth what he listeth, and without reason vseth reuenge, when no offence hath ben offered? And when that which cannot be wonne with siluer is wrought by fire? If lawes take any place, there is no difference betweene the rich and the poore, and as well may the one as the other enioy that which is his owne: you haue large possessions and houses in the countrie as well as in the cittie, betweene your buildings and round about them, you haue meddows, woods, and riuers to delight you, and yet of all these nothing was more pleasant to you then my ruine, in causing me to lose my house; me I say, who onlie could passe no further then this tree: why shal I not say that thy voluptuousnesse and thy delicacie maketh thee like vnto *Nero*, who delighted to see Rome a fire? Euen so for thy pleasure thou hast in one houre burned all my patrimonie, and moueables, as thou wouldest in like sort haue burned vs, had wee not escaped from the fire starke naked. You say that my tree kept the aire from your house, I pray you sir did not your galleries and high wals doe the like by mine and others mens? And your great store of seruants do not they dailie molest vs, vnder the coulor of your greatnesse? And the dunge of so manie horses as you keepe doth not it infect our aire thinke you? You deeme that

all

all these discommodities are nothing at all vnto vs, but yet one poore tree of mine seemed vnto you a whole forrest, my losse is inestimable, seeing that by the saieng of my furious enemie, I haue lost more then he was willing I should. My request is but reasonable, that either the fire may end with his house that kindled the same, or els that he may make me satisfaction according to the law.

The rich mans Answere.

I Did not burne thy tree through malice, but was constrained therevnto by necessitie, for the same hindering the wholesome aire that might breath into my house, made it pestiferous: how manie times haue I intreated thee, saieng; take what thou wilt of me, and let me at the least lop the branches of this tree, for they do not profit thee in anie sort, but they annoy me greatlie? Yet was it neuer possible for me to obtaine so much fauor at thy hands: to what end serued those boughes, which did nothing at all shaddow thine but my house? Manie such like requests haue I made vnto thee, but it was in vaine, because the desire that thou haddest to annoie my house, hindred thee from chusing that which was profitable both for thee & thine; for those boughs did alreadie ouerpresse part of my house, and thrust downe the wal, and finallie would at the length not onlie haue shaken, but quite throwne downe the same, for there is no violence so great as that which increaseth by little and little; but why was the law of fourefold restitution made, but onlie because the lawmakers did assuredlie thinke, that there would be men as obstinate as thou, of whom it should be impossible to obtaine anie reaso-

reaſonable thing by courteſie? I cauſed the tree to be burned in the night, to auoid the ſedition of the people, I did not think that the fire ſhould haue paſſed anie further, but what can I doe withall if misfortune (the iuſt reuenger of thy obſtinacie) do purſue thee? It cannot be ſaid that I vſe anie tyrannie, becauſe I am readie to ſubmit my ſelf vnto law. And the compariſon which thou makeſt betweene the rich and the poore man is no leſſe odious then abſurd: for the difference conſiſteth in that the rich man is able to doe more for the conſeruation of the Commonwealth then the poor man can; for he vnto the great ſtore of his houſhold ſeruāts may likewiſe entertaine other ſouldiors for the defence therof, whereas the poore man at that inſtant ſerueth for no other end but to increaſe the famine, or to diſcourage others: in like ſort there is as great difference betwixt my deed and the fact of *Nero*, as there was betwixt thy tree and thy houſe, and the great cittie of Rome. Finally ſo ſmall a trifle is not worth ſo much talking, and chiefly becauſe I refuſe not to ſatisfie thee according to the law, and thine owne requeſt, for the law appointeth that whatſoeuer I haue burned willinglie, I ſhould reſtore vnto thee fourefold, and for the reſt which was vnwillnglie done, I ſhould but onlie pay thee for it as it was worth.

Declamation. 85.

Of Agamemnon *who firſt promiſed, and after would not ſacrifice his daughter* Iphiginia.

All

All the Grecians being assembled together at the port Aulida, to go vnto Troy for the reuenge of the rape of the faire Helena: *The sea became a long time so tempestious, that they could not depart thence; whervpon* Chalcas *their chiefe priest cõsulting with the gods, after many sacrifices, propheſied that the sea shold neuer be calme vnlesse that* Iphiginia *the onlie daughter of* Agamemnon, *General of the whole armie and brother to* Menelaus *the husband of faire* Helena, *were sacrificed vnto* Diana; *so that* Agamemnon *because he would not lose the honour to be the greatest of all the Grecians, consented vnto the death of his daughter, and writ vnto his wife* Clitemnestra *that she should send her daughter vnto the said place, faining that it was to assure her in mariage with* Achilles: *shortly after repẽting him for the abusing of his wife in such sort, and being sorrie that his daughter should die, he secretly sent another letter, commanding his wife to hide her daughter, that shee might not be taken to be sacrificed: this last messenger was surprised by the way by* Menelaus, *who accused his brother of ambition and Treason, saying:*

SEeing that all the warlike men of Greece haue done you this honour, aboue so manie other noble and worthie men, to chuse you onlie for their Generall, why will you like a most iniurious and periured man so wickedlie betray them? Doe you not yet know that the gods wil neuer permit a treason so great and manifest to be hidden, and especiallie when they themselues are interessed therein? Know you not that *Diana* requireth your daughter for sacrifice,

fice, it may be to punish your ambition; or to chastise the pride of your wife, or rather to extirpate the presumption of the same your daughter? Trulie I beleeue if none of all these three reasons doe prouoke the chast Goddesse vnto iust punishment, yet all these three together doe stir her vp vnto a iust reuenge; iust I say, because that the gods doe neuer anie thing vniustlie: but who knoweth if the goddesse (foreseeing the future lasciuiousnesse of your daughter) be determined to haue her before she be stained, or els that she desireth to haue an vnspotted virgine to be offered vp vnto her, that she might be the more fauorable vnto vs, and make vs conquerors ouer the rauisher of the chastitie of *Helena*; for whose defence you and all the nobilitie of Greece were bounden, before she did chuse me for her lord and husband: and yet whilest I was absent, you suffered her to be rauished & caried away, which maketh me to thinke that the Goddesse being displeased with you, is desirous to haue the same fault purged in the presence of all the Grecians, by the death of your daughter. Finallie, the iudgements of the gods are secret, but when their wils are manifest, they ought to be accomplished. The goddesse requireth *Iphiginia*, you haue promised her, we doe looke for her, therefore we ought to haue her; especiallie seeing all the skill that man hath is not able to prolong her life one onlie minute against the will of the gods: and although you might saue her, yet ought you nót to preferre her life either before so manie worthie Grecians, or before the honour of all Greece. But why should all the rest of *Priams* sonnes, or anie other Barbarian feare to enterprise anie thing against vs, If it shal be reported that for to saue, or thinking to prolong a maidens life, the whole armie of the Grecians assembled

bled together at such an infinit charge and with so great trauel should of it self be so suddainlie dissolued. What ambition can be then more great, then to vsurpe the title of a Generall, and not to performe the dutie therof? And what Treason is more manifest, then to goe about to defraud all Greece of the honour obtained by the blood of our ancestors? If it was thought a strange matter that *Vlisses* fained himself mad because he would not goe vnto the warres, and if for the same cause the parents of *Achilles* were dispised hauing concealed him in the habite of a woman? What shall wee say of you, who would not onlie deceiue our armie of one or two men, but would (if our selues wee will not giue it ouer) that all of vs should bee swallowed vp in the waues of the sea? Doe you not consider that the greatnesse of your charge bindeth you to bee more couragious and righteous, then all the rest? Who then will iudge you to be such a one, if you repugne against the will of the gods? If you contrarie the desire of al men? and without anie shame at all, performe not your promise? If it be so, I dare say the Grecians are vnhappie in chusing such a Generall, and you an vnhappie Generall seeing that by your default the Grecians shal lose their ancient reputation. You may say that a fathers loue is great; I agree therevnto, so ought such as are highest in authoritie (as you would be) condiscend vnto great things, especiallie when as reason requireth: consider then for whom you doe giue your daughter, it is for the honour of your brother to recouer your sister in law, for beautie the onlie paragon of all the world. It is to be reuenged of our enemies for the safetie of our countrie, to confirme the ancient valor of our nation, to winne vnto your selfe an immortall glorie, and that which is more

then

then all the rest, to fulfill the good pleasure of the gods; of whō one alone is able to destroy all mankind. Consent thē (as you are bound) to obey their diuine power, to performe your dutie, to pleasure your brother, to recouer your sister in law, to saue the Grecians, to maintaine their ancient reputation; and especiallie to shun the name of a traitor. That your daughter my niece, may bee offered vp a pleasing sacrifice vnto the gods, who do neuer request any thing hurtful vnto their creatures, and it may bee that they will saue her; as well to manifest their mercie, as to prouoke vs ioifullie to obey their commandements, from the which wee can in no sort excuse our selues.

Agamemnons *Answere.*

HE can neuer be tearmed ambitious, who neither by force, tyrannie, nor subtiltie, attaineth vnto anie rule or dignitie, but onlie by vertue, and the election of manie: which in direct means there is none can say that I haue vsed. As concerning the pleasure of the gods, that mine innocent daughter should be sacrificed, what certaintie haue wee thereof, but onelie the word of the priest *Chalcas*: whose priesthie dignitie I do not contemne, but rather his humane person, being as readie to erre as the worst man in our troupes. But I would faine know what pittie could remain in the gods if they delighted or tooke pleasure to behold the sheading of innocent blood? I cannot beleeue that the same is to preuent the losse of her chastity, for as great power hath the goddesse to maintain her virginitie, as to shorten her daies. Moreouer, of extreames not onelie the gods, but also euerie vertuous man doth alwaies endeuour

ugur to chuse the best, whereby it appeareth, that they by the death of an innocent virgine, will neither recure lasciuiousnesse, nor your owne negligence; wherevnto neither the Grecians, I, nor my daughter are in no sort bound. For you needed not to haue receiued *Paris*, the sonne of a barbarous king into your house, much lesse to entertaine him there a long time, and least of all to leaue him at your departure all alone with your wife: Do you not know that it is verie dangerous to leaue fire and flax together? Are you such a foole that you know not how yoong men are lasciuious, and women light? But who knoweth not that ambition and lust respect no law? Haue not you tried that loues poison creepeth in by the eies and eares? Did you not thinke that the same beautie, which not onlie inflamed you, but all Greece was as able to set a yoong Barbarian on fire, who was by nature lasciuious? I confesse that the iudgements of the gods are secret, and therefore ought we first to bee thorowlie assured of their wils, before we either giue anie credit therevnto or effect the same, least in thinking to obey them, we doe disobey them. What proofe haue you that *Diana* requireth the death of my daughter, saue onlie the word of an old man, who either doteth, or it may be would haue this honour, that at his bare word the warlike and inuincible Grecians, ouercome with superstition, haue sacrificed the noblest and worthiest maid of all Greece? And neuer alleage that the gods desire the best things for sacrifice, for that is meant onlie by brute beasts, but as for humane creatures they doe preserue them, witnesse the old age of *Nestor* and others. Neither did there euer anie great good proceed of too much superstition, which doth much differ from true religion, because the one alwaies

tendeth

tendeth vnto that which is good, and the other vnto that which is bad. If *Diana* require her death, shee may find her well inough where she is, without dishonoring me by the deliuerie of her? Which in sooth were a trecherous part. What certaintie or assurance will *Chalcas* giue that the seas shall bee calme by the death of my daughter? Durst he gage his head that so it shall be? and although he would so doe, is those few years which an old man may liue to bee compared vnto the youth of a Princesse, who by her progenie will be able to illustrate all the world? To kill our owne children is not the way to combate *Priam* and the rest of the Barbarians: I wil not faile in anie sort from the dutie of a good Generall, no not in spending mine owne life; but my daughters, that will I not giue no more then you your selfe would doe, if one should likewise demaund your *Hermione* as well as my *Iphiginia*. I will not in anie sort accuse either *Vlisses* or *Achilles*, but I doe excuse my daughter, who is no way culpable of the forced or voluntarie adulterie of her aunt. The same reason which commandeth mee to be couragious, doth also forbid me to be cruell: but what crueltie can be more vild then to kill an innocent virgin? And how much more execrable is it, for a man to kill his owne daughter? I did at the first promise her, as well to auoid publicke sedition in our armie, as also to haue leisure thereby to saue my daughter, for I hoped that you your selfe, and they altogether deliberatlie considering the crueltie of the fact, would at the last confesse with me the same to be altogether tyrannicall and vnlawfull: for the gods doe neuer fauour such vniust acts. To conclude, so long as the breath remaineth in my bodie, I will neuer consent vnto the death of my daughter, for it is sufficient inough that we do leaue our

houſes,forſake our wiues,abandon our children , and freelie vndertake this iournie no leſſe painfull then perrillous to our perſons,without ſuffering our daughters to be ſacrificed or offered vp to recouer that which you haue negligentlie loſt,and know no other reaſon why. And I cannot beleeue that anie amongſt ſo manie worthie mē ſhould be deſirous,or would willinglie behold ſuch a deteſtable deed but onlie you, who thinke to encreaſe your owne houſe by the ouerthrow of mine.

Declamation 86.

Of him that hauing taken vp and foſtered two yong vnknowne orphants,did maime them becauſe he might the better beg with them.

THe law forbiddeth, that no man ſhould either hurt or hinder the Commonwealth in any ſort. Whereupon it happened, that a man found two infants , who through their parents pouertie were laid abroad and left vnto the mercie of the world. Wherefore he tooke them, and foſtering them vp in his owne houſe , he did wryth and breake the ioints of their armes and legs in ſuch ſort , as hee quite maimed and lamed them,to the end that by begging with them he might gaine the money. Which being knowne, he was taken and accuſed to bee offenſiue and hurtfull vnto the Commonwealth. And his accuſer ſaid in this ſort :

ALaſſe, how miſerable are theſe infants , who haue found one that hath beene much more cruell then he or ſhe that caſt them forth. Seeing

ing that with the price of their members they are forced to paie for their bringing vp (or to say more trulie) to satisfie the greedie couetousnes of him that faineth to be their fosterer: for if hee had not done it for couetousnesse, the verie name of orphants might haue suffised to haue obtained a reliefe both for them and their fosterfather. If those that through anger or malice doe wound or kill a man are punished, What punishment is not this mischeeuous wretch worthie of, who hath done far worse, in making these poore infants for euer miserable? Wherein hee hath shewed himselfe much more vnnaturall then the brute beasts, (if it bee true as Histories report) that in such a necessitie, *Cirus* Whilom King of Persia, was nourished by a Bitch, and *Remus* and *Romulus* first founders and Kings of Rome, by a shee wolfe. O neuer hard of crueltie, when the lame and impotent are constrained to get his liuing that is whole and sound, who hath not onelie made them vnprofitable, but odious and burthenous vnto the Commonwealth! For they serue to no other end then to increase the famine therein, and also in the day of battaile to discourage the hearts of most valiant by their lamentable cries and complaints: in like sort it may so happen that some womã with child may dreame of thẽ in such sort as with the verie fright thereof she may bring forth the like cripples. All that which this lewd fellow can alleage is, that if he had not beene, these infants had died with hunger; It may bee no: For how manie others might haue found them, that both would haue cherished and brought them vp for the profite of the Commonwealth? How manie such as they haue become famous warriors, yea and Kings? Whereof *Cirus* and the two foresaid Romans are sufficient examples: but this

vngracious man hath cut off the tongues of ſome, to the end that without ſpeaking they might be more importunate in craning: ſeeing then O Iudges that you are pittifull towards euerie one particularlie, extend your mercie towards theſe twaine here together: he is aboue all other moſt cruell, who vnder the coulor of mercie, doth moſt miſchiefe: theſe poore children are carried about to feaſts and publicke aſſemblies, to beg their almes, where beholding the ſoundneſſe and nimbleneſſe of others, their ſorrow is the more in ſeeing themſelues maimed: other orphants or caſtawaies that are found, are not altogether hopeleſſe to find their Parents againe, or to be knowne by them, but theſe wretches can neuer be knowne becauſe they were not ſuch when they were left of them. Finallie, it may be alleaged that it was the greateſt miſchiefe that could happen vnto theſe twaine, to be found, and brought vp by this bad man who is the cauſe of their perpetuall miſerie.

The beggers Anſwere.

HE cannot be tearmed cruell, who hath ben more pittifull vnto theſe infants, then their owne father or mother that abandoned them: I confeſſe that I haue maimed them, but who can tell whether I haue done them more hurt or good thereby, for I haue made them ſuch as all the world is and euer will be readie to releeue them: Moreouer, they take no paines in getting their liuing, and they are free from the danger of killing in the warres, or by theeues, in like ſort they need not feare to be hanged by iuſtice, or noted of infamie. As for anie hurt don vnto the Commonwealth, who can tell whether they would haue been pilferers, murthe-

murtherers, theeues, traitors, ſeditious perſons, ſeducers, Heritickes, and other ſuch like wicked fellows, as by nature they were likelie to proue, being begotten of ſuch parents, as cared not to leaue them to the mercie of brute beaſts? So that it may be ſaid that by one ſmal miſcheife I haue preuented a number of manifeſt dangers: thoſe that inſtruct youth to skirmiſh and kil men, are farre more hurtful vnto the Commonwealth then I, and yet are they not puniſhed. I haue not onelie made them as vnable to do hurt, as they are vnfit to do good, but alſo I am the cauſe that they are yet liuing: the Cõmonwealth can not be harmed by thoſe which are not abiding therein as theſe were, being laid foorth to die, from the which I haue ſaued them. Whereas you alleage that I am the cauſe that they liue miſerablie, you doe thereby affirme that it is by my meanes that they liue, which is no ſmall matter: the charitie of manie doth releeue them, but by my onelie compaſſion they doe liue. If I had foſtered them vp, and not maimed them, I ſhould haue deſerued commendation; the loſſe thereof then is ſufficient puniſhment for my maiming them. Who would euer haue thought that ſuch a Commonwealth ſhould haue had officers ſo idle as to buſie themſelues with that which a begger dooth amongſt beggers, who haue their iuſtice and Commonwealth by themſelues? Why may you not likewiſe ſay that *Paris* being caſt foorth of his Parents, and afterwards acknowledged by them, was the cauſe of his father & brethrens death, his mother and ſiſters captiuitie, the deſtruction of the nobleſt of all Greece and Phrigia, and laſtlie the vtter ſubuerſion of his countrie Troy, as well as you ſpeake of *Cirus*, who in the end ſlue his grandfather, and *Remulus* his brother? What ſhould not hee

then haue deserued that had maimed those? Or who can iudge whether I haue done good or hurt in maiming these here? But the time is so wicked, that whatsoeuer the poor do is accounted an offence. How manie rich women doe cause the frute of their wombe to perish by the straight girding and lacing in of their bodies? How manie Noble men doe burst their lacquise legs with running, and lame their seruants with hunting? How manie men doe they vndoe, who doe either die with hunger, or els are forced to rob by the high way? How manie quarrels or braules doe they make to the hurt of the Commonwealth? If you wold indeuour to correct such kind of men, you should haue no leisure to persecute those who haue not offended, but in shew onelie: but it is not said in vaine, That the lawes are like vnto spiders webs, wherein the small flies are taken, but the great ones doe breake through and escape.

Declamation. 87.

Of a gentleman who required to haue those goods of his restored which his sonne had sold, in prouing by law that his father was dead.

A Gentleman of Piemont had a quarrell, or at the least fell into the hatred of a great lord of the same countrie: who did one day cause the said gentleman to be taken very secretly, and hiding his face, made him to be carried into the dungeon of his castle, where he remained a prisoner, in such sort as during the space of more then eight yeares, he could neuer imagine in what place he remained: the said

said gentleman before he was prisoner, had likewise a quarrell with two of his neighbors, who were inferiors vnto him in calling, with whom also the said lord was greatly displeased: wherupon hee immagined how hee might at one instant cause them both to die, and by the same means quite himselfe from all suspition that might bee imagined of his wronging the gentleman. So that he began to enquire what was become of the said gentleman, and vpon suspition of the enmitie of these two neighbours against him, he preuailed so much by false informations, that the Iustice apprehended their bodies, and either by examiuation or tortures they were inforced to confesse that they had murthered the said gentleman, vpon which their confession, the Iustice caused them to be publikely beheaded: so that euery one did assuredly beleeue that the said gentleman was dead. Wherefore a sonne which he had, being a verie prodigall youth, began not onelie to seize vpon all his fathers lands and goods, but also did riotously wast the same, and in the end sold and consumed all; in such sort as shortly after he died in great pouerty. It chanced about foureteene yeares after that the Frenchmen surprised the said great lord in his house, and for because the castle wherein he held this gentleman prisoner was a fort of great importance to be kept for a frontier place, they compelled the said lord to surrender the same vp vnto the King, or his Lieutenant Generall, the which he did: and the Frenchmen finding the said gentleman there, suffered him to depart, who like one risen from death to life, went home vnto his owne house, the which he found was sold, and the Iudge which had caused the others to be executed dead: but he pretending to know nothing of all that had happened, required restitution of his lands and goods, saying:

THere is no law that permitteth the sonne to sell his fathers goods during his life. You see that I am not

dead, and that I am his father that hath ſold you his goods: if you ſtand in doubt thereof, I wil for your further aſſurance ſhew you euident tokens, and will proue the ſame by ſufficient witneſſes: Your light beleefe or want of wit to be better aduiſed, ought not to be preiudiciall to me in anie ſort. You are not the firſt that haue made a bad bargaine, and a good reſtitution: for moſt commonlie men being blinded with couetouſneſſe, do eaſilie beleeue euerie thing to bee true which they deſire. *Cæſar* imputed this lightneſſe vnto the Frenchmen, the which it may bee they haue brought hether vnto you, to make you partakers thereof, but yet for all that I will not loſe mine inheritance; reſtore it vnto me then or els prooue that I am not he whom you know me to be. O you righteous Iudges, I do eſteeme you too iuſt to ſuffer me to fall from one miſerie into another farre more great, hauing not deſerued it: for not onelie is age an incurable maladie, but pouertie ioined with it, may be tearmed an exceeding miſchiefe. From the which worthie Iudges I beſeech you to preſerue me.

The anſwere of the poſſeſſors.

WE doe allow the ſame law which you alleage to be iuſt & right, but we know not whether we ſhould account you amongſt the liuing or the dead: ſeeing that not onlie the people haue accounted you dead, but the law it ſelfe hath adiudged you both for a dead man, and alſo hath cauſed thoſe to die who confeſſed that they killed you. What witneſſe is more like to be true, then that which is aduouched by twaine, not onelie to their owne hurt againſt themſelues, but to the detriment of their goods, their honour, and their liues? If the teſti-

monie

monie which those miserable men haue produced against themselues, hath been sufficient to cause them to lose their goods, honour, yea and their liues; Why should not the same be of force to maintaine those in their possession which haue publikely bought an inheritance of him, who by the witnesse aforesaid had power to sell and surrender the same? If you haue anie interest therein, take it you of them who are the cause of your hurt; that is of the foresaid witnesses, of the Iudge, of the lord that tooke you prisoner, or of your selfe, who could take no order in your owne affaires, or seeing you would not agree, could not keepe you from your enemies: it was no couetousnesse that made vs to buy your heritage, but the zeale of the Commõwealth, who are interessed when the lands are vnthriftilie wasted: likewise you iudge amisse of vs, if you think that the desire which we had of your death, induced vs to beleeue the same: for it was more hurtfull then profitable vnto vs; because it was no small contentment vnto vs to haue so good a neighbour as wee haue alwaies esteemed you to be: and for that we would be no more in danger to haue so bad a one as your sonne was, or a worse, we did buy his inheritance, the which as our desire is that you should not lose the same, so also would not we lose our siluer, for the recompence of our care in preseruing your goods, & amending your heritage; of all matters in strife, the possessor being on the surer side, hath the aduantage: We haue nothing to proue against you, but it is you that ought to prooue our bargaine to be fraudulent or of no worth: and we beleeue that the Iudges will remember that we are not the causers either of your pouertie or age. Furthermore, they are not ignorant that the chiefest point which ought to

be

be obſerued in the Commonwealth is, that euerie one ſhould bee maintained in the quiet poſſeſſion of that which he hath iuſtlie gotten and paied for, as wee haue done the inheritance which you doe wrongfullie require at our hands.

This former proceſſe is true, and hath been reported vnto me by the lord *Iohn Chaſtillier*, Knight, one of the Kings Counſell, and ſurueior of his Maieſties treaſure, who aſſured me that hee was in Piemount during the foreſaid proceſſe. And moreouer, the ſaid lord told me that after long arguing and much controuerſies it was iudged that the plaintife ſhould inioy his inheritance during his life, without impairing or alieating the ſame: but after his deceaſſe it ſhould wholie reuert vnto thoſe which did poſſeſſe and had bought the ſame of the ſaid plaintifes ſonne.

Declamation. 88.

Of Horatius, *who after he had himſelfe alone vanquiſhed the three* Curiatij, *ſlew his ſiſter that bewailed the death of her husband.*

About that time as Rome began to flouriſh, thoſe of Alba, an ancient cittie, and to ſay the truth, the very ſame from whence the Romanes had their beginning, had ſome grudge towards Rome, through which there aroſe a mortal war between them, the which after many skirmiſhes, and ſundrie combates, they agreed to end in this ſort, vz. That the three brethren of the Albanois *named the* Curiatij, *ſhould fight hand to hand againſt other three brethren of the Romanes called the* Horatij, *vpon condition that thoſe which were ouercome, their cittie*

and

and Commonwealth should for euer bee subiect vnto the other, without contradiction or refusall: whereupon the said combatants being entred the lists, the elder and the second brethren of the Horatij were suddainlie slaine, the which the yoongest perceiuing, he fained to run about the field as though he had beene ouercome: wherfore the others were ashamed to pursue him altogether, so that one alone following him eagerly, Horatius suddainly turned backe and slew him, and in the same sort he slew the second that was somwhat too slow in seconding his brother: then making head against the last, who had maried the sister of the said Horatij, he likewise slue him, not without receiuing also manie wounds himselfe, whereof when he was healed, hee came in triumph to Rome, al the people and the noblest matrons of the citie meeting him by the way, amongst whom by the commandement of her father his sister also went, who had lost her said husband in the combat; she seeing her brother triumph ouer the death of her husband, & her brethren in law, lost all patience, and setting apart al respect, in stead of welcomming him home, she said vnto him: Thou cruel monster how haddest thou the heart to slay my husband? and saying so, she burst forth into abundance of tears, wherwith he being inraged, answered: art thou she alone amongst so many honorable ladies that art sorrie for the prosperitie and libertie of Rome, or that repinest at my victory, and saying so, he gaue her a blow with his sword on the breast, afterwards suddainly repenting himselfe for the deed, hee alighted from his triumphant chaire, indeuouring (if it had ben possible) to haue gotten life in her again, but he could not, for she suddainly died, being great with child. For which deed those that maligned the glory of Horatius, tooke occasion to accuse him so sharply, as he was cõdemned either to bear the yoke of an oxe vpon his neck through Rome, in signe of bondage, or to bee whipped with rods, and hanged vpon a crosse vntill hee were dead, but he appealed from this sentence, and his father pleaded for him in this sort:

Whether

WHether are your hearts and vnderstandings carried, O you Romanes, that you will thus persecute your redeemer? Doe you not know that aboue all other vices, Ingratitude is most displeasing vnto the gods? How can you then prosper? Surelie it is impossible: Will you oppresse him, that could not bee dismaied with the death of his two brethren, much lesse discouraged with the presence of his three enemies? Will you despise him whom the gods haue caused to be borne for the libertie and honour of Rome? Know you not that in all this, none hath been harmed but I? Is it not sufficient that I haue lost two sonnes and a daughter, but that I must also lose this son too, who onlie is left to be the staffe of my age, and comfort to my forepassed afflictions? why would you make him a bondman that hath been the cause of your freedome? Doe you not feare that this is an vnluckie token, which threateneth all your thraldomes? Alasse, Romans banish this vnhappie presaging from vs, and either honour him with a perfect triumph, or at the least despise him not, whom the gods haue ben willing to honour with such a famous victorie. The zeale of the Commonwealth induced him suddainlie to kill his sister, who to say the truth, did speake verie indiscreetelie; let then the griefe which hee suffereth for committing such a fact be a sufficient punishment for his fault: doe you not know, O Romans, that we haue no power ouer the suddaine motions of our rage? If there bee anie fault, I am the cause thereof? For as much as I constrained my daughter to goe forth to meet him, without considering that women are not onelie sildome times mistresses ouer their tongues, but also that loue and sor-

row can neuer be dissembled. If you will not then suffer this mischance to be vnpunished, let the punishment light vpon me: To the end that the gods be not prouoked to reuenge vpon you the wrong which you would doe vnto him, by whose meanes they haue deliuered you: For there is nothing more certaine then that the gods haue a particular care ouer those whō they make conquerors, and doe so miraculously preserue in the like dangers. Contemne not him whom the gods haue honoured, neither yet let him die, that hath killed your enemies, and made your lords ouer them; which if he had not ben, would haue ben lords our you all.

The Answere of the Romans.

WE doe not persecute our redeemer., but wee would execute iustice vpon one, who being dronken with vaineglory, hath vniustlie murthered his sister, that might haue borne manie children like vnto him, whereof he hath slaine one with the mother, the better to declare that as hee had deliuered vs frō some bordering contagion, so likewise he meant to tyrannise ouer his countrie. But what will not hee bee bold to attempt against the rest of the Cittizens, if the murther of his sister should bee left vnpunished? Did not he know that euen amongst enemies clemencie is iudged to bee the worthiest part of the victorie? How much then ought the same to bee esteemed amongst friends, but more betweene kindred, and most of all towards women, who are by nature weake, and subiect to their passions more then men? Where did he find that it is a vice for a woman either to loue her husband, or not to be able to dissemble a sorrow so iust? Seeing that

he

he himself could not, or at the least would not indure a few vnaduised words of his sister; ought not he to consider that the womã is the moietie of the man? and that the one cãnot be hurt, but that the other must feele the harme? It is true as you say, that ingratitude is odious vnto the gods, & therfore that which he hath vsed towards his countrie, you, and his sister, condemneth him. Wee can neuer prosper if we suffer such a cursed man in our Commonwealth. Seeing that he was so cruell as to kill his sister, it maketh vs also to think that he willinglie suffered his brethren to bee slaine, either to augment his fame, or because he would be the onelie heire of his father: for hee which had the wit in such sort to flie from his enemies to snare thẽ one after another (which is an incredible patience) should not haue been so furious against his sister, if ambition had not blinded him. Alasse, wee are in doubt whether Rome hath gained more by his victorie, then it hath lost by his murther, as wel in honor as in profit; for it is no smal hurt to scandalize a Commonwealth by an euill example: Your losse dooth not diminish the wrong done in common to vs al, neither is it against reason, that hauing lost those whõ you might rightlie call your children, you should likewise lose him that hath not respected you as his father, and hath not shewed the heart of a brother towards his sister: but what stay shall you haue of the murtherer of your daughter? Those on whom the gods doe bestow the most graces, ought to be more modest, and the lesse prone to abuse their fauour; the mischiefe which hee hath done is a greater forwarning vnto vs, then the correction is which we shal vse therfore, for by the punishment of offenders, the innocents are assured, and we do thereby diuine that we shall hereafter haue dominion

ouer

ouer all the world; for Iustice is pleasing vnto the gods, and reward and punishment are the true pillers of the Commonwealth: wherefore it is not likelie to be true, that the zeale of the Commonwealth can induce anie to doe ill, or to enterprise anie thing to the detriment thereof. Surely, if we haue no power ouer our first motions, his sister was excusable for saying that which she did, and the rather if that (as you say) she was constrained to goe to meet him, that came from killing the moietie of her selfe: If you are culpable in that you sent her, wee hauing regard vnto your good meaning, doe respect your age and remit your punishment, neither will we suffer you to indure anie for your sonnes offence, because that as it is a crueltie to punish the innocent, so is it a follie to pardon the offence. The same care as the gods haue ouer the conquerors, the same care ought the conquerors to haue, not to shew themselues vnworthie of their diuine fauors; for vnto whom much is giuē, of him also shal much be required. What shall we then say, if he whom the gods haue honoured, doe dispise himselfe? For he which by the fauour of the gods hath slaine our enemies, ought not afterwards to haue slaine his own sister. If the gods haue by the force of his armes giuen vs the dominion ouer those who would haue ruled ouer vs, the worthiest thanks that we can yeeld vnto their Dietie is, to shew by our good iustice that we are not vnworthie to rule. Wherefore you cannot doe better then to counsell your sonne willinglie to chuse the yoke, or patientlie to take his death; for making a vertue of necessitie, hee shall diminish the dishonor of his offence, and the dutie of the Commonwealth shall be obserued.

Declamati-

Declamation. 89.

Of Diogenes *that would not restore a cloke which one had lent vnto him.*

ET *the law commandeth a man to restore whatsoeuer he hath borrowed, but those things which are giuen ought not to be required againe. Whervpon it happened that a man named* Aristarchus *did lend a cloke vnto* Diogenes *the Cinique. Within a while after the said* Aristarchus *praied him to restore his cloke, but* Diogenes *could not heare on that eare, wherfore* Aristarchus *threatened him by law, wherevnto* Diogenes *answered:*

I Know no other law then the law of nature, which commandeth me not to part from that which I stand in need of. If thou then hast giuen me this cloke, why wouldest thou haue it againe? Or if thou diddest lend it vnto me to couer me withall, wherfore wouldst thou take it from mee when I haue greatest need thereof? If thou saiest thou diddest lend it me vntill I had another, I am content to restore it vnto thee at that time: Look then if thou canst find anie man that will giue or lend me a better, and I will restore thee this againe.

The answere of Aristarchus.

AS I did willinglie lend my cloke vnto thee, so may I take it from thee when I thinke good: and as the law of nature commandeth me to haue compassion of my neighbour, and to helpe him, as I haue holpen thee

so

as much as possible I could in lending thee this cloke, euen so now it commandeth mee to take it againe because I stand in need thereof: for hee that is bad or vnprofitable for himselfe, can neuer bee good for others. The law of nature commandeth thee not to bee vnthankfull towards him that hath done thee a pleasure, much lesse to detain by force, that which one hath lent vnto thee friendly.

Declamation. 90.

Of the three Fabij, who being sent Embassadors vnto the Gaules, did fight against them.

During the thirteenth militarie Tribuneship, the Gauls came and assailed the cittie of Clusa, who sent for aid vnto the Romanes. They sent the three sonnes of Fabius Ambusta, *to persuade the Gauls not to hurt the Clusians being friends vnto the Romans Commonwealth: the Gaules answered that they required nothing but dwelling places, and if the Clusians denied them some portion of their countrie, they would fight with them in the presence of the Embassadors, to the end that they might be iudges of their valor. And hereupon after diuers other words the battaile ioined: where the three Embassadors tooke part with the Clusians against the Gaules, of whom one Embassador slew a captaine, which was the cause that suddainly the Gaules gaue ouer the battaile, turning all their malice against Rome, whether they sent Embassadors, requiring that the three* Fabij *might be deliuered vnto them. The iudgement was remitted vnto the Romane people, who in steed of chastising them, made them militarie Tribunes, giuing them*

the full power of Consuls: whereupon the Gauls did protest the ruine of Rome, saying:

IT might haue sufficed you O Romanes, to haue sent your Embassadors to dissuade vs from the warres enterprised against the Clusians, without employing the said Embassadors against vs, for you shall confesse one of these three, that either you are our friends, or neauters, or els our enemies: if friends, you ought to aid vs, if neauters, not to hurt vs, and if enemies, to defie vs, before you fight against vs. If you esteeme vs to bee Barbarians, in that we are strangers, and because we are not like you in eloquence? Yet are we not to bee iudged altogether void of reason, or such as haue not the wit to discerne what is right and what is wrong. Moreouer, wee know verie well that those which are sent to persuade peace, ought not to kindle or increase warre. You sent Embassadors to persuade vs vnto peace, who on the other side not only incouraged our enemies against vs, but they themselues fought with all violence: What Treason can be more great, then to faine one deed and doe another? If you did send them to fight against vs (as it is to bee presumed, hauing sent three brethren, yoong men and valiant in arms) you cannot denie but that you deserue all the mischiefe that we are able to do vnto you? If they did fight against your meaning, assure vs thereof by sending them vnto vs; That we may know who moued thē (forgetting the dutie of Embassadors) to vse hostilitie against vs, for in doing otherwise, you shall not onlie prouoke our anger, but the iust vengeance of the gods against you, of whom wee shall bee the cruell ministers. And think not that for want of power, or courage we haue left Tuscane to come vnto

Rome,

Rome, but onelie to let you know that it is not for the Romans to command the Gaules, much leſſe to offend them in anie ſort; but rather to fauor them in their deſeignes, that they might haue good neighborhood and friendſhip with ſuch a warlike people: or in doing the contrarie, to trie what aduantage they haue in warlike Proweſſe ouer euerie other nation: Wherefore O you Romanes either reſolue to deliuer vnto vs the three *Fabij*, or prepare you to the fight, and although your forces are as feeble as your courages are faint (if ſuch Treaſon be harbored amongſt you) yet faine your ſelues to be other then you are, to the end that our victorie may not be altogether without glorie; for we proteſt, that if our demand bee not accompliſhed, wee will ouerrun your cittie, race downe your houſes, lay your temples and wals flat with the earth, in ſuch ſort that after ages ſhall aske where Rome ſtood, when as they ſhall ſee no memoriall thereof left: for it is the iuſt iudgement of the gods, that vtter ruine ſhould fall vpon thoſe, who doe offend vnder the coulor of friendſhip.

The Anſwere.

TRue it is that wee did ſend the three *Fabij* for Embaſſadors vnto you Gaules, and that they ought not to haue fought againſt you, if for ſuch you had receiued them: but what ſhall we ſay, ſeeing that in ſteed of anſwering their demands, you would on the contrarie haue made them beholders of your iniuſtice and crueltie? For you ſaid that the Cluſians ſhould haue no peace with you vnleſſe they would leaue part of their countrie for your habitation: then the Embaſſadors demanding for what reaſon, and vpon what occaſion you

did require lands in Tuscane? You answered that your reason consisted in armes, and that to strong and warlike men all things were due, yea, and that you would foorthwith haue an answere of the Clusians in the presence of the Romane Embassadors; to the intent that they might make report at Rome how valiant in armes the Gaules were aboue anie other nation. Wee would know of you Gaules if one should haue answered your Embassadors in such sort, what you would haue done? Seeing that euen those which are most warlike, should haue tried euerie other reasonable meanes, before they had proceeded into armes: and yet you despising those that were the freest and mightiest people of all Italie, would command their friends and their Embassadors, and contemning both the one and the other, giue a battaile in steed of an answere. Surelie they were not sent to fight against you, but seeing that for answere, you offered the battaile vnto their friends & neighbors, without yeelding them anie sufficient reason why, they remembring that they were Romans, would rather proue then behold your valour; and if you had slaine them in the fight, wee would neuer haue cauelled anie further for them: for you hauing neither receiued them as Embassadors, nor giuē them no answer but by arms, it may be said that they were no more Embassadours; wherefore wee would neuer haue required them either for such nor for anie others at your hāds, for we know that it is a cōmon thing to kill, and to be killed: but although they had done amisse, as you say they haue, yet should you haue first knowne our meaning, and haue required satisfaction thereof, before you should haue brought your armed troupes vpon our territories: but you doe verie well declare (you Gaules) that you will neither

send

send anie Embassadors, nor will receiue anie at all: but trusting in your forces, you will make your wils a law, how vniust soeuer they be. As touching your demand, whether we be your friends, neuters, or enemies, wee answere that we will be such as you shall giue vs occasion to be, for it seemeth they can hardlie be your friends that are neere vnto you: wherfore although we should not allow that which the *Fabij* haue done, yet may it bee a question whether they haue done amisse or no in resisting the common enemies of all Italie, seeing that an hundred yeares since, your ancestors leauing their naturall countrie, came first and occupied the countrie of the Taurins, afterwards that of the Insubrians, then the limits of Tuscane, and now without anie reason you would vsurpe the territories of the Clusians, the which if they had granted you, what assurance should they haue had that afterwards you would haue beene good friends, or peaceable neighbours vnto them; seeing that you are of opinion being strong men, al things are due vnto you, and that you can yeeld no other reason for your deeds then armes? What is he that can bee assured of such kind of people, which maketh vs to doubt, that in time, you would if you could occupie Rome and all Italie? If you will be our friends, see that you doe not onlie withdraw your army from vs, but also for our sakes surceasse your molesting of the Clusians, and then knowing that our Embassadors haue offended you, we shal make you a reasonable satisfaction: assuring you that wee are sufficient to punish or chastise them withot putting you vnto the paines to doe it: and if you shew your selues (as in effect you haue begun) to be our enemies, the *Fabij* cannot bee culpable, and it were better to employ them against you, then to doe

them anie hurt at your instance. But what madnesse dooth incite you to come in such sort against vs? You know well that if we had ben minded to send aid vnto the Clusians, we would not haue sent three men onlie. Wherefore we thinking you had ben our friends, did send to intreat you not to hurt the Clusians, but doing contrarie to our request, the Embassadors thought you had ben our enemies, and so consequentlie that they were bound to aid the Clusians. When you haue withdrawne your armie from vs, wee will dispute whether they did well or ill: But so long as you talke thus armed, wee may say that you haue no desire to haue vs your friends. Of a truth they sought against our meaning, yet neuer imagine you that for al the same, we wil deliuer them vnto those which come vnto vs as enemies. As for the anger of the gods, it stretcheth not to those that defend their temples as we will doe, moreouer, we are bound to defend our countrie, our wiues, our children, & the sepulchers of our fathers, if you wil offer to hurt them; therefore as you doe protest our ouerthrow, so doe we sweare your death, if you once assault vs. For to be offended, and to offend, is all one, and it is a most iust reason, that those which seeke to vsurpe another mans lands, should lose their owne liues.

Declamation. 91.

Of a yoong youth, that made himselfe a Nunne to enioy one that he loued.

AT such time as the law was not so strict against those which by all the meanes they could sought to inioy the loue of Nunnes, a yong youth came in the habite of a maiden

maiden into a Nunnerie, and made himselfe a Nunne, to obtaine his pleasure of one whom he loued in the same cloister: after he had obtained his desire, and remained there some time in great delight, he was at last discouered; whereupon the bishop would haue constrained him to become a religious man of the same order, which he had made profession of in the habite of a woman, the youth appealed from the same sentence, saying:

EVerie lawfull vow ought to be voluntarie, wherefore you cannot constrain me to enter into religion against my will. You say that I haue made a vow alreadie, I referre it to your iudgement, whether being a man, I might become a Nunne? If such a vow be lawfull, then let me bee still a Nunne: If it bee not lawfull, then is it of no force, and so consequentlie I am thereof freed, or at the most, to bee punished in such sort as by the law it shal be appointed, if there be any law that maketh mention of the like fault: and if there bee no law that maketh mention thereof, it is a token that whatsoeuer I haue done is no crime, for there is some law appointed for euerie fault: for as lawes are made for the good of the Commonwealth, euē so those that offend them not are not punishable: as for me, I beleeue that I haue in no sort offended them, hauing charitablie relieued her that had need of my helpe, considering the frailenesse of my flesh, which might haue induced her to doe worse then a thing incident to nature; yea, and to the great reproch of religion, shee might haue found the meanes to flie away from the Nunnerie contrarie to her vow and promise: likewise, it is to bee considered, that those faults (if faults they may be called which are through loue committed) are more excusable then punishable, because they are done but for loue, and to

encrease humane generation, besides that the most philosophers doe say, that louers are fooles, and others affirmed that they are blind: what reason were it then to punish a foole, or such a one whose vnderstanding is blind? Who knoweth not that they are more worthie of pittie then punishment? Nay who knowes not that loue hath alwaies his abiding in the noblest hearts, and compelleth the most obstinat to follow him? Furthermore, the distance of places is not able to seperate that true loue which of long time hath ben imprinted in the hearts of louers, for as he that doth loue feruentlie doth sildome or neuer forget it, so ought youth to bee excused for doing but their kind: for that which in matters of loue is lawfull for yoong men to doe, is vnlawfull for old men to desire; Wherfore it may be said, that as vnhappie is it for a yoong man to be without loue, as it is for an old man to be in loue: and the more worthie the thing beloued is, the more vehement is our desire therof; therfore the desert of her whō I loue, hath brought me to this extremitie: to counterfait a sex inferior vnto mine, the which I would for no other thing haue done, but hereby it appeareth, that the louer liueth in the thing beloued, and that he is dead in himselfe; so that I was constrained to find out this inuention, to approch vnto her in whom I liue: for water farre of, doth neuer quench fire hard at hand: the planets doe chieflie compell vs to loue, therefore doth *Venus* shew her selfe to be more strong then *Mars*: and that which is more, no other law then that of nature can be giuen vnto louers: for it seemeth that loue is a diuine and humane essence all in one subiect, wherby it happeneth, that true louers are most apt to sustaine great trauailes, for loue is no other thing thē a contemplation of the thing beloued,

but

but the louer is such as the thing beloued is, therefore was I inforced to become such as my mistris was. Lastlie, being constrained by all these abouesaid reasons, I am more then excusable, for of all the parts in a mans bodie, the heart is the noblest, and the noblest part of the heart is loue: therfore it may be verie well affirmed, that he which knoweth not how to loue well, hath a bad heart. To conclude, it must be considered for what intent vowes are made, as for mee I made mine to the intent that I might bee neere vnto my best beloued, in seeking to depriue me of this intention my vow should be broken, and if it be so, I will make no other: but you cannot say that it is all one vow, seeing that there is great difference betweene the obeying of a man, & the seruing of a woman, & religious men ought to be learned, and to haue such other perfections whereof I am not capable; whereas amongst religious women obedience onlie with humility is sufficient, for which cause I will not make anie other vow then that which I haue made: but as I said at the first, I submit my selfe to bee iudged according to the law, beseeching that the glose thereof may bee as farre from crueltie, as it is fittest for men to vse clemencie.

The Bishops answere.

IF I had not assuredlie thought that thou wouldest haue refused my proffer, to make thy selfe a religious man, I would neuer haue offered the same vnto thee, being as thou art vnworthie of so great a fauour: but I intended by this meanes to manifest by your owne tongue your wicked intention, to the end that you might bee worthilie punished therefore, and neuer say

that

that if no law mention of the like fault as yours is, that therefore you should remaine vnpunished, for it may be there was neuer such a cursed deed heard of before, or the lawmakers thinking that such a fact could neuer bee committed made no mention thereof: as *Licurgus* made no law against such as murthered their Parents, imagining that none could bee so wicked as to commit such a crime, therefore would he not mention such a detestable deed: but doe you thinke that for all that the Lacedemonions would haue left to punish those grieuously which should haue committed the same, & that they would not haue inflicted a punishmẽt as rigorous as the fact was rare? No doubt they would: for when offences are execrable, the punishments must bee the more extreame, to stop altogether the passage vnto such vices; and especiallie in such a case where the accusation is not publicke, it were most expedient that the punishment should be secret, but the more seuere, that the fame being knowne of few men, the crime might bee lesse manifest, and the terror of the punishment more great. For so during the Consulship of *Terentius Varo*, *Lucius Cantilius* Chancelor to the Bishops hauing committed adulterie with *Florania* a Vestall Nunne, was (in the place called Comicia, the gates being locked vp) so beaten with rods by the bishop, that hee died with the blowes; which ought to serue as well for an example as a law vnto this fellow, whose fault is more foule. What punishment then shall be sufficient for your adulterie? Whereof you seeme chiefly to boast and to approoue the same by your reasons no lesse friuolous then detestable, by the which it should seeme (by your saying) that incests and adulteries ought not to bee blamed, prouided that thereby the generation of mankind bee encrea-

encreased: alasse, how more happie were it that neither you nor she had euer been borne, then that you should be the occasion of such a scandale, seeing that it were better that he which scandalizeth the least of the Christians were throwne into the sea with a milstone about his necke; What doe you call loue? A vild carnal concupiscence, As much, or more common vnto brute beasts, then vnto reasonable men, who cannot vse it lawfullie, but onelie in marriage, to the end to bring forth children: Wherefore Saint *Paule* doth verie well say, That Whoredome is surely one of the greatest sins and most hurtfull vnto man, seeing that euerie other sin is without him, and whoredome consumeth both his bodie and his soule, making him the one halfe of an harlot, when he is created for no other cause but to bee the Temple and dwelling place of God. Why doe you not say then in steed of your leasings, that an harlot is a hell, wherein God suffereth those which forget him to bee drowned, and that filthinesse is the reward for the infidelitie of men? O wicked wretch, how darest thou then looke vp into heauen, or behold the earth, the one being the seat, the other the footstoole of God? Whom because thou doest forget, thou art vnworthie of his fauour. If whoredome committed with profane women be detestable, what shall wee say of adulterie with such as are religious, who are consecrated to God? Seeing that the Romanes, when as yet they were ignorant of the truth, did burie their Vestall Nunnes quick, that suffered themselues to be defiled? You say wel, That louers are blind of vnderstanding; see then the cause why those are to be punished which suffer themselues to fall into such blindnesse, that proceedeth of nothing but idlenesse & gluttonie which prouoketh luxuritie: ther-

fore

foreought you to haue shunned these two vices, but you might haue escaped the third, the which as you haue sought it, so are you fallen into it. Surelie, all men are tempted, and the greatest temptation, is not to be tempted at all, because then we forget to be men, but vertue appeareth in the resisting against temptation, which you hauing neglected, you haue not only tempted, but defiled the spouse of Christ: What fire or torment may expiate so vild and abominable wickednes? And surelie you haue refused (as one that is vnworthy) to doe pennance in religion, hauing first defiled the same, making the holie vow thereof to serue for a cloke vnto your filthinesse. Let then the bull of *Perillus* be put in vse againe, and as he made the first experience thereof, so be you the first that must bee punished more rigorouslie then euer anie heretofore hath been, seeing that your adulterie (the like whereof was neuer heard) is the cause that a new law must bee made to terrifie such as would follow you. Lastlie, (immitating the example of God, which would not the death of a sinner) I haue called you to repentance, not without great suspition of your refusall; in doing whereof, I take you at your word, and require the temporall sword to punish you, for counterfaiting your sex, for abusing the vow of religion, for your vild whoredome, for refusing to doe pennance, and for your diuelish obstinacie. Consider worthie Iudges how manie torments such a number of hainous crimes deserue.

Declamation. 62.

Of Don Ferrand, *who punished the mutined Spaniards, and afterwards is therefore accused.*

IN the time of the Emperour Charles the fifth, the Spanish souldiors that were in Scicilia, rose in a mutenie, and committed a thousand mischiefes, whereof the least deserued the halter: whereupon Don Ferrand of Gonsague, brother to the Duke of Mantua, (who had alwaies ben emploied by the Emperour, in chiefest places of command) appeased them, paying them part of that which was due vnto them: afterwards he caused them to be embarked to carie them (as he said) to Genoa, they being all embarked, he carried them vnto certaine desert Isles, where he made them to goe a shoare, faining that he would there take the muster of them, and make an end of paying them: but when they were all in order a good why in the Island, hee found the meanes to cause those to retire vnto the Gallies, whom he meant to saue, and afterwards he set saile, and departed, leauing the rest of the souldiours there, who for the most part died all with hunger: for which fact Don Ferrand was accused vnto the counsell of Spain as followeth:

IF discretion might be giuen as well as dignities are granted, we should not now need to demand his death, who hath depriued the liues of a number that were seruitors to Cæsar as well as he, and no lesse seruiceable: the which he would neuer haue done, if he had considered that neither he nor anie other could haue that honor to be Generall of an armie if the souldiors did not freelie determine to serue their Prince, and follow the warres, especiallie, if they would altogether with one mind refuse so to doe: but hence commeth the mischiefe, that those which haue not first learned to be controlled, do neuer know right-

ly

lie how to commaund? Wherefore *Hannon* said well when *Hasdruball* commanded in Carthage, and *Hanniball* was to be sent into Spaine, being verie yoong; It were better (said he) that this yonker tarried here in the cittie to learne how to obey lawes, then to teach him so suddainlie to command in a forraine land. Likewise, we are to consider what was the end of *Pompey*, who following the faction of *Silla*, was sooner made a captaine then a souldior: euen so those of our time which are noblie borne doe command, before they are able to discerne peace from warres, the friend from the foe, good from bad, and reputation from reproch; whereupon it chanceth, that as *Hanniball* was the cause of the ouerthrow of Carthage, and *Pompey* the decay of the Commonwealth of Rome, so these captaines made in hast presuming ouermuch of their own courage, might impaire the prosperitie of *Cæsar*, if his fortune together with his vertue were not inuincible. But yet there is another mischiefe, which is, that Italie (which may bee tearmed the churchyard of Spanish souldiors) bringeth foorth few men which are well affected to the Spanish nation: who to say the truth, being worthie men, are also somewhat haultie minded, the which the Italians doe attribute vnto their pride, which is the chiefest cause why they doe for the most part hate them: wee will not be inquisitiue whether heretofore *Don Ferrand* hath been the cause of the death of a number of other Spaniards, but we may well say that he hath made those (whom hee left in the desert Island) to die the cruellest death that might be imagined, without anie iudgement, Counsell, or consent of *Cæsar*, as if men were nursed and brought vp for nothing. Surely, it should seeme that he did not see what paines was taken in Spaine to

assemble

aſſemble ſuch a number of ſouldiors together, what ſtir there was to embarke them, how hardlie they croſſed the ſeas, and what time was ſpent in diſciplining them for the warres, all which things was not done without great charge and expence vnto the Emperour, and the daunger of their owne perſons; and they were no ſooner deliuered ouer to *Don Ferrand*, thorowlie furniſhed and readie for the warres (as if they had ſprung forth of the earth in one night, like vnto Muſhromes) but that he did preſentlie thruſt them not onlie into all the greateſt dangers that might be, when as manie times there was no great occaſion: but alſo becauſe he would be reuenged for the faults of ſome few of them, he hath done them all vnto the cruelleſt death that he could inuent. But wee would demaund of him how it could be poſſible that they ſhould be all culpable, and whether they were all authors of ſedition? For that is not onelie hard, but impoſſible: had it not beene better then for him to haue puniſhed the authors, that thereby the conſenters might haue beene terrified or chaſtiſed, and the good cheriſhed and maintained? Or if he would needs haue had them to die, could hee not haue ſent them forth vpon the foe? Where reuenging their death, they might at the leaſt haue weakened his forces. We read indeed how the Romans tithed their mutined ſouldiours, and vſed other like puniſhments, but it was neuer ſeen or heard that they put them all to death; and eſpeciallie in Spaine vnder the conduct of Scipio, where there was not onelie a mutenie, but alſo *Vmbrius Atrius*, and *Calemus Albius* tooke vpon them the authoritie of Conſuls by the agreement and at the inſtance of the ſouldiours, yet were none puniſhed but the authors of the deed, and the reſt were paied, emploied, and

allowed

allowed for good souldiours, not because the Romans had not as good meanes to send other souldiours from Rome into Spaine (and better then wee haue now to send out of Spaine into Italie) but this was the reason: the Generall was a Romane, and he not hating the nation, was onlie contented to punish a few of the offenders, & by the seueritie of that exemplarie punishment, to terrifie and feare the rest: for it is verie certaine, that those which are threatened doe liue better then those which are punished, for the punishment being done, the feare is past, and oftentimes it engendereth such a malice, as maketh them to commit farre greater faults then the first; as (it may be) the effect shall bee seene by those which by some meanes may chance to escape from those Islands: doe but imagine if there had but a few ben punished, what dutifull men those which had ben pardoned would haue prooued, to shew that they were worthie of pardon, and to cause their passed offence to be forgotten? But yet if all this could not haue moued him to spare them, yet should hee haue done it because it is so difficult a matter to draw verie often manie men foorth of Spaine, where there is no great store, as also for the great treasure that is needfull to leuie and conduct them, which is alwaies a great charge both vnto the countrie and the people: but what care haue the Italians thereof, being borne farre from Spain, and naturall enemies to our nation because they are more valiant then anie other? for which cause as I haue said alreadie the Italians call them prowd, as if a great fire could be without some smoak. And consequently it may appeare that although some Italians doe serue *Cæsar*, yet are they neuertheless mortall enemies to the Spaniards: for they being indeed as prowd as they are

cruell,

cruell, cannot abide this worthie and valiant nation: for proofe whereof, what crueltie (ioined with pride) was there euer more great then this of *Don Ferrand*, who hath not at the least spared those, who would haue bestowed their liues for the safetie & defence of his? But he hath likewise caused the innocent to perish together with the offender; he doth plainlie shew that he (according to the example of *Nero*) would desire that al Spain had but one head, that he might cut it off at one blow: therefore must wee for an example preuent by punishment, such minds no lesse dangerous then diueliſh, to the end that other strangers being captains in the wars, may hereafter consider, that oftentimes such a number of men may either keepe or win a Prouince, but the dead can fight no more; and manie times for want of men there may sundrie good occasions bee lost, to the preiudice of *Cæsars* greatnesse, and to the hinderance of all Christendome. I passe ouer the causes that captaines doe most commonlie giue vnto their souldiours to mutenie, one whiles becauſe they are not paied as well as they, and otherwhiles when they detaine the best part of their contributions and other booties that ought to bee giuen vnto them; remembring not that the souldiours doe with the price of their blood oftentimes buy those victories, whereof the Generals reape the honour and profite; neither will acknowledge how by their malice, ambition, and auarice, the victory is oftentimes foreslowed, or vtterly lost, most commonly to the detriment of the profit, honor, and life of the poore souldiors: and therefore to conclude, I say that they are right captaines who doe attaine therevnto by degrees, and by their valor, and those will beware how they commit anie such cruelties like vnto this which

Don Ferrand hath committed, for the which we require that iustice may be executed.

The Answere.

THose places which are of dignitie and authoritie, ought not to be bestowed but vpon such as are knowne to be of discretion sufficient to deserue them. As for me, I dare aduouch that this is not the first time that I haue commanded in *Cæsars* seruice, and that only by his own commandement, who hath many times praised, & alwaies allowed whatsoeuer I haue done; so that to iudge me indiscreet were as much to taxe his Maiestie as me: and he that would tax the actions of the Emperor, should proue himselfe a verie Idiot; for his manifold victories and other noble acts (being indeed worthie of his Maiestie) will bee a witnesse against these no lesse seuere then ignorant Censors. And as it is verie euident that the iudgement of *Cæsar* dooth neuer deceiue his Maiestie, so is it also verie certaine, that his Maiestie would neuer haue emploied me so manie times, if he had not esteemed mee discreet. And thus much further I dare affirme, that if those which are so desirous to be my Iudges, were chosen or placed in their authoritie by the doome of *Cæsar*, I should thinke my selfe happie to bee iudged by them, although I am not bounden to render vnto them anie account of my military actions, and especiallie because the deed which I haue done was allowed by *Cæsar*, who onlie might haue punished me if the fact had been vniust: but his Maiestie doth verie well know that sometimes it is lawfull to doe a little harme, to shun thereby a greater hurt: and I will further say, that if long before

this

this time such souldiors as did mutenie had been punished very seuerely, I should not now haue ben inforced to execute this punishment, more notable then any that heretofore hath beene performed. And although I am not bound to iustifie my selfe for that deed, before the Counsell of Spaine, yet will I not let to shew that I am not so faultie, as they doe thinke me to be, for if I were, *Cæsar* is so iust as I should not be free from punishmēt: for first of all the lords of the Counsell ought to consider, what they be that accuse me, whether they be not some of the parties, and their parents, or friends, who doe as well shew their ignorance as their impudencie, when they affirme that they were as good seruitors to *Cæsar* as I, and that the Generall could not bee without souldiours, as if they themselues being amutined, were not compelled to make a Generall amongst them. I know verie well that a number would willingly command, yet there are but a few which know how to doe it, neither can anie perrorme that place, but such as haue first learned how to obey. Whereof I may vaunt, if *Cæsar* should haue appointed the meanest of those whom I haue punished to be my General, I would haue had such respect & ben so dutifull vnto him as I ought, beleeuing that *Cæsar* would neuer haue authorised him without desert: neither was I euer so presumptuous as to trust more vnto my birth thē vnto true vertue, knowing well that *Cæsar* fauoureth none but the vertuous. Likewise, I learned both how to obey, and also what was militarie discipline before that euer I commanded, and neuer doubt that the noble are more seuere in commanding, then are the comminaltie, for none is more prowd then hee which of a base groome becommeth a gentleman. God grant the Counsell be not full

of such men, and that they bee not such as are more vicious then curious of the reputation of their houses. I will not argue whether *Hanniball* or *Pompey* did well, but I may truly say that *Marius*, as one ignoble, made the way for *Pompey* and *Cæsar* to ouerthrow (as you say) the Romane Commonwealth: for hee and *Silla* were examples vnto the two aboue rehearsed. It is well knowne that *Marius* and *Silla* did by little and little attaine vnto places of dignitie, being but meanly borne, yet ceassed they not to be exceeding prowd, hurtfull, & odious vnto their countrie. And a little before them *Terentius Varo* who being the sonne of a butcher, did by degrees attaine vnto the place of Consull, had not he I pray you ben likely by his rashnesse to haue caused the ouerthrow of Rome, if *Hanniball* after the discomfiture at Cannas had pursued the victorie? Neither was it *Hanniball* that caused the ruine of Carthage, but rather the Senators, being no lesse seuere then ambitious and cruell, who did crucifie their Generals if the wars prospered not according to their minds; which was the cause that after the battaile against *Scipio* was lost, *Hannibal* could not abide in safetie in the cittie, the which (it may bee) hee had conserued, if the Senators had beene like vnto those of Rome, who were alwaies mild, whose example all counsellors of estate ought to follow; and they would no doubt bee like vnto them if they did all know so well as the Senat of Rome, those occasions which are offered in the warres, to enforce a man to do such things as are vnusuall. Moreouer, it cannot be said, that I (hauing ben brought vp amongst Spaniards, and receiuing from them all fauour and sincere friendship) should be ill affected towards them: but I may rather say that their courage ought to bee shewed against their

enemies,

enemies, and not againſt the Emperour, who is euen amongſt the Barbarous Almaines, called the father of ſouldiours: you are apt to rehearſe what I haue done, but you tell not the cauſe wherefore. It is ſufficient for the Chirurgion to proue vnto his patient why he doth ſometimes cut off or canteriſe a member; ſo haue I certified *Cæſar*, that the mutiners ought to bee ſuppreſſed, for feare leaſt they ſhould animate others to commit the like Treaſon. Neither haue I cauſed them to die, witneſſe a number that are eſcaped thence, & amongſt others foure, who did each of them beſtow a bullet vpon me in my lodging, but they could not touch mee therewith, whom I haue not only pardoned for the particular iniurie done vnto me, but alſo I haue further ſaued their liues: whereby it is eaſily known that I am no enemy to the Nation. Furthermore, it was not expedient to leaue them vnto the enemies mercy, becauſe that would haue but fortified them, and weakened the glory and courage of the nation. Neither yet is it fit to hurt thoſe ſecretly whom one intendeth to puniſh or chaſtiſe for the terrifieng of others. As for the Romans, the number of their amutined ſouldiours in Spaine was great, therfore they could not vſe extremitie for feare of loſing the reſt of the armie, and ſo conſequently all that which the Romans held in Spaine, for many of the nobility there were already reuolted. Moreouer, the Romane ſouldiors were not accuſtomed to rebell ſo often as the Spaniards, and at that time eſpecially they had not done it if they had not ſuppoſed their Conſull *Scipio* to be dead; and peraduenture that was the firſt time, for ſuch was their modeſtie before that time, and a long while after the ouerthrow of Cannas, as they (knowing the neceſſity of their Commonwealth) the

most part of the souldiors refused to take pay, and they called those mercenaries which tooke the same, affirming that the good souldiour ought to bee as well partaker of the aduersitie, as prosperity of the Commonwealth: but those whō I left in the Isle was but a handfull of men, the best of whom were dead before in the warres: so as the remainder were more fit to lose those fortresses where they should be left in Garison, then to keepe them, and both to corrupt the good souldiors by their example, and also to cause a whole army to mutenie. As for the wrong which therein I haue done vnto Spain, a man may see (setting the gentlemē apart) what souldiors doe come from thence, for the best are ruffians, the others are vagabonds, and cutpurses, such as were the relickes of the beadles whip, or els such as had left their eares behind them as a pawne of their honestie; and generally such, as al theeues, or verie little better. So that to send souldiours forth of Spaine is rather to purge and amend it then anie way to impaire it; for there can neuer bee so manie of the abouesaid men taken from thence, but that the prisons are alwaies seene full, and the cities are not empty of them. And you must not affirme that they were not all faultie, seeing that in such an offence, the consenter is as worthy to be punished as the inuenter: for they which would not be of that faction, might secretly withdraw themselues from them, as they know well how to doe when they flie from an assault or from some other dangerous skirmish, and especially when their company is appointed to some toilesome Garison, the which is then all closely dissembled vnder the coulour of being Spaniards; Whereas such faults amongst the Almaines are most grieuously punished: but it seemeth that a man should

not

not presume to touch the Spaniards, as if they were the only (because the lateſt) Christians. Let them then endure their mutenies, who are the cause therof by detaining their pay as you affirme, as for me, I know *Cæsars* liberality can inrich me, therefore I haue nothing to do to trouble my selfe with a gain no lesse vild then vnlawfull and dishoneſt: & it sufficeth me, that the noble and honourable men of Spaine doe know how well I loue their nation: for I make as little account of the slander of wicked men, as I would willinglie haue the praise of the good, for euery one commendeth such as himselfe is: and that which is more, I will not refuse the iudgement of such of the Counsell as haue commaunded in the warre, but from such as know nothing but by reading, I appeale vnto the others aforesaid. During which appeale, I will bee readie to doe all the good seruices for *Cæsar* as possiblie as I may.

Declamation. 93.

Of the Matrons who are accused for poysoning the Senators.

MArcus Claudius Marcellus, *and* Titus Valerius *being Consuls in Rome, many of the chiefeſt did die, and all of one diseaſe. Wherupon it happened that a seruant or bondwoman aduertiſed the Senat that many of the Noble women of Rome were buſied in making of poyſon; the which they gaue vnto men as occaſion serued them, & amongſt others,* Cornelia *and* Sergia *both nobly borne, were*

accuſed and found diſtilling the ſaid poyſons, who denying the ſame verie firmely and ſtoutly, the ſlaue requeſted that they might prooue their innocencie in drinking the waters diſtilled by them, but they refuſed ſo to doe, one of them ſaying:

GOd graunt that my deuination be not true, yet who will not beleeue, that ſome great alteration dooth threaten the Commonwealth, Seeing that ſlaues (naturall enemies to the Romane cõmonwealth) are not only permitted to accuſed the Noble Matrons, but alſo are ſuffered to iudge them according to their owne fancie; ſaying (and that in the preſence of the Senat) drinke of the water which you haue diſtilled if you will not be accounted faultie? But what would inſue then if it were ſo, (as all this wicked generation of ſlaues haue their priuate meetings and conference together) that they had perſuaded our ſlaues to put ſome poyſon ſecretly into our diſtillations, ſeeing that there muſt be ſome time to performe the ſame? In drinking the ſame, ſhould not we therby loſe both life and honor together? And if it ſhould otherwiſe happen, that the water did vs no hurt at al, what could this miſcheeuous wretch loſe, ſeeing that not ſo much as her life is her owne, but at the will and diſcretion of him or her that hath bought her? And yet neuertheleſſe, we ſhould not let to be the ſpectacle and by-word of the people. For the deſire of a vild ſlaue, our innocencie ſhall be alwaies ſuſpected, and that chiefly amongſt the common people, who doe ſooner conceiue an euill then a good opinion; then being once imprinted in their braines, ſildome or neuer is the ſame baniſhed. But who would euer haue beleeued that the Senat could haue beene ſo vnaduiſed as to admit the like accuſations, or to cauſe

two

two Noble Matrones to appeare in iudgement at the only inſtance of a perſon vnworthie to liue? Surely any man of good iudgement will be amaſed therat, but the vnwiſe will euermore haue an ill opinion of vs: wherefore (our honour ſaued) we were better die then liue, for what may be cõmendable in a woman except her good reputation, which ſurely is more worth vnto her then any other riches or felicities? Behold vnto what extremitie we are brought, as wel by this wicked woman, as by the indiſcretion of the Senat? Who doe not conſider that although poyſon be diſtilled, yet can it not bee any crime; No more then it is a fault to forge a ſword, to make a bow and arrows, or to ſpin a halter: all which may more eaſily be the inſtruments of death then poyſon. But ſhew mee what law forbiddeth the making or diſtilling of poyſon? What skilleth it then if we haue made deadly waters, to vſe them our ſelues vpon a neceſſity, for the preſeruing of our chaſtetie, if the cittie ſhould chance to be ſurdriſed by enemies, or by falling into any other accident? Shal we be therefore accounted malefactors? How many waters and other compounds doe we make that are hurtfull to drink, as well to preſerue and increaſe our beautie, as alſo for other matters no leſſe ſecret then neceſſary? The which we would not reueale for any thiug. For euery modeſt woman had rather die then reueale the infirmity of their ſex. And yet neuertheleſſe it ſeemeth that we ſhould be conſtrained publikely to reueale that which nature her ſelfe hath concealed, to the end it ſhould he kept ſecret: O miſerable world wherein we are borne, ſeeing that ſo little reſpect is had of vs, and that the Senat is ſo fond, not onlie to giue eare vnto the enemies of the Roman Commonwealth, but alſo to giue credit vnto their ſlanderous

derous reports: but what if any ſlaue had accuſed *Brutus* to haue beene conſenting to the practiſe of the conſpirators? Should it haue ben beleeued, becauſe his ſonnes were of that faction? Should not the accuſer haue ben executed on the croſſe? And yet neuertheleſſe it is agreed that this wicked ſlaue muſt commaund vs: yea, and the Senat alloweth her commandement. But what will not theſe carians preſume, to inuent againſt their miſtreſſes? And therefore O you Senators you ſhall at one time or another abide the penalty for the ouergreat credit which you haue giuen vnto their leaſings: for it is moſt reaſonable, that thoſe which fauour the wicked, ſhould periſh by their hands. Are you yet ignorant that ſo many ſlaues as there be, ſo many enemies we haue in Rome: and yet the Senat permitteth the wickeddeſt wretch of that generation to perſecute the honour and life of the Romane Matrons, being but of late moſt worthily fauoured and priuiledged, for their vertue and prudence. Laſtly, there is inough ſaid of a thing ſo vniuſt as this vild wretch is, who dooth of her owne accord condeme her ſelfe.

The Anſwere of the Senat.

AS is the common cuſtome of women, ſo is your prattle tedious, and to ſmall purpoſe of the matter in queſtion: alſo it appeareth, and is verified in you, that the firſt aduiſe of a woman is alwaies beſt, and that for a preſent excuſe they exceed men, but when they would proceed, they ſpeak againſt themſelues, and they quite forget what to ſay: euen ſo your firſt excuſe was beſt, when you made a doubt that the ſlaues had corrupted your diſtillations: but afterwards

wards it ſeemeth in your going about to proue it lawful to make ſuch waters, you do affirme that you did make them; if it be ſo, we are not of the opinion that you ſhould drinke them, eſpecially if you doe ſuſpect them, but if it be otherwiſe, you ſhould not do amiſſe by that meanes to prooue your innocencie, and procure her end that hath ben your accuſer: whoſe life although (as you ſay) it be none of her owne, yet would ſhe loſe it as vnwillingly as you would yours, the which you are no more ſure of, then ſhe is of hers, ſeeing that we are all at the diſcretion of fortune: wherfore it may be ſaid that not only bondſlaues, ſicke perſons, ſailers, and condemned men, are in danger, but alſo no man is certain to be free from death: neither is it well ſaid, that we allow the commandement of a ſlaue, but becauſe ſhe is likewiſe a woman we cannot hinder the readineſſe of her tongue, no more then of yours: and for the allowing of her ſaying to be hurtful, we may ſay that ſhe hath preuented what we meant to ſpeake: but you complaine before you haue cauſe; for on the contrary we do now demaund, (ſince you haue ſpoken ſo much) whether you think this water be venomous or no? If you think it is not, drinke it? If you think that your bondwomen haue poyſoned the ſame, it muſt be known where they had the poyſon; And conſequently wherof you diſtilled this water? Whereby it may bee prooued whether your drugs were able of themſelues to turne into poyſon or no? Or what poiſon might corrupt them? And afterwards we will know of the reſt which made of the ſame, whether their intention was like vnto yours? For we know that there is a great number of you which do make the ſame, which is a great likelihood that you are all of one league: wherfore you two ſhall ſerue for

a triall, ſeeing that you will confeſſe no more of the matter, for the compariſon of the ſword with poyſon is odious, becauſe the one ſerueth to ſtrike our foe, & the other is to ſlay our friend as well as our foe. Therefore all the reſt of your friuolous excuſes ſhall not ſaue you. But tell vs freely whether theſe waters which you haue made are venomous or no? For this we aſſure you, that either you muſt determine to drinke it, or confeſſe the truth, ſeeing that after the firſt excuſe you would proue that it is lawfull to make it, the which is meere falſe: for all hurtfull and ſuſpitious things are vnlawfull and criminall. And although there were no law againſt the ſame, yet ought there one to be made; and neuer thinke that here you ſhall be ſaued for your nobleneſſe and great calling, for the more great they are which commit ſuch hainous acts, the greater puniſhment doe they deſerue, ſeeing they are the cauſe of greateſt ſcandale, and eſpecially becauſe they are not conſtrained therevnto through neceſſitie, but rather prouoked by their owne malicious nature: the truth then ſhall appeare either by your owne confeſſion, or by the triall which your ſelues ſhall make in drinking of your water.

Here is to be noted that theſe two womē did voluntarily drinke of their water, and died, rather then they would confeſſe the truth, which the Senators knew alreadie: for within a few daies after, more then two hundred and ſeuenty women were condemned, and there was neuer before that any accuſation of impoyſoning.

Declamation. 94.

Of an Earle of Flanders, who by a wile did hang foure gentlemen for a robbery.

An

AN Earle of Flanders named Baldwin, and surnamed Apquin, was a very iust Prince, and kept a great court: Whervpon it happened that certaine Merchants being Iewellers, came to visit him, and they sold him certaine Iewels, afterwards departing from thence, they were pursued and robbed by foure Gentlemen, in great fauor with the Earle; who being accused by the said Merchants, and they not being able to denie the deed, the Earle was in such an exceeding rage, as hee swore that hee would not sleepe before he saw them hanged by the necke: but the goods being restored vnto the merchants, many lords and ladies came to intreat for the gentlemen being prisoners, vnto whome the Earle after long sute and much intreatie, gaue some good hope. Afterwards before he would goe to bed, hee caused the prisoners to be brought into the hall, and made foure towels to bee fastened to a beame, vnder the which hee commanded a table to bee set, then hee said vnto the prisoners, You know the oath which I haue made, wherefore I will fasten these towels about your necks, then each of you lift or draw vp your legs in such sort, as I may say that I haue seene you hanged: and afterwards setting your feet downe againe vpon the table, you may vntie the towels, and say that my oath is accomplished, but another time bee better aduised. The prisoners did the Earles commandement, who seeing them well fastened to the towels, threw the table to the ground, and leauing them in that sort hanged, he shut the hall dore, where, at the last they were strangled of themselues: but their kinsfolke accused the Earle before his Soueraigne Lord the French King, saying:

If

IF your Iuſtice and mercie moſt redoubted Soueraigne, were not equall to your greatneſſe, in vaine ſhould we haue recourſe vnto your maieſtie, to haue right of your vaſſall our Earle; who conuerteth Iuſtice into crueltie, and eſpeciallie againſt his gentlemen, who for their vertue and valor are odious vnto him, the which hate ſpringeth of no other cauſe, but onlie of a feare which he hath, that they will not alwaies endure his cruelties. For cruell men are naturallie cowards, and conſequentlie ſubiect to feare, which proceedeth from the ſting of their owne conſcience that doth ſecretlie and continuallie accuſe them: now how farre vnbeſeeming cowardiſe and feare, is for the nature of a French man, the taking of Rome, and winning of ſo manie Prouinces, as well in Italie, as in Greece, Spaine, and other countries doe witneſſe; and the rather, becauſe this warlike Nation could neuer be ſubdued by the Romans, nor by anie others, had it not ben for Ciuile diſcention amongſt themſelues. So that it ſeemeth that the men of this Nation, chiefflie the gentlemen, and chiefeſt of all he which ruleth, being neither hardie nor couragious, degenerateth frō the worthineſſe of that Nation, and ſo conſequentlie maketh himſelfe vnworthie, as being vild and abiect, the which may be ſeene by our Earle (if he may be ſo called that is an enemie of Nobilitie: For what act can be more vild in a great lord then to vſurpe and take vpon him to execute the hangmans office, and with his owne hands to hang the gentlemen of his traine for a light fault, which may rather be called a tricke of youth? In Spain a man ſhall verie hardlie find one amongſt the theeues in priſon, which would promiſe to be a hangman fiue years,

to

to saue his life: Nay, in euerie countrie there are none of that office but such as are murtherers or theeues. How odious then ought that office to bee vnto a free man; but more vnto a Noble man, and most of all vnto a Prince of a countrie? who ought to be a spectacle vnto all men, and a true patern of Nobilitie? And so much the more odious is this fact, because those that are common hangmen, doe execute none but such as are condemned, but these men were hanged before they were condemned; If our Earle will not affirme, that hee was both accuser, Iudge, and hangman altogether: and that which was worst of all, hee put them to death without confession, not suffering them to haue onely so much leisure as to vnburden their consciences, but euen vnder the coulor of sauing them, he hath slain them. *Flaminius* was accused of the Romane Censors, because he being Prætor in Gaule, caused a malefactor to be beheaded before him whilest he was at supper, and our Earle thinketh that hee hath not done amisse to hang three Gentlemen betwixt his supper and his bed time, a thing far differing from the clemencie required in a lord so great; for euery lord that ruleth a country ought to take example by the Princes of the bees, who either haue no sting at all, or if they haue anie, yet do they not vse it. Finally (if it please your Maiesty) we are not alone wronged by this fact, for your Maiestie hath lost foure seruants, who if need had beene, would not onlie haue imploied their wealth and their liues for your seruice, but also might haue induced many others to doe the like: for a valiant Gentleman draweth mens hearts after him. The Commonwealth doth lose therby, losing those who either for your Maiesties seruice, or the countries safetie, might haue ben conducters or leaders

to the reſt. Moreouer, by ſuch liberal and noble perſons diuers men doe gaine their liuing, and others increaſe their wealth, but alaſſe all this notwithſtanding they are dead, not by right, but by the Earles rigor, who was afraid leaſt Iuſtice ſhould haue ben done vnto them: but who would not tremble in hearing it onelie repeated, that an Earles hall hath ſerued for a priſon, his table for a ladder, the beame for a gibbet, and he for a hangman? And yet the ſame is happened, and hee himſelfe dooth boaſt therof, for ſuch is the cuſtome of thoſe which reſemble him, that of vice they make vertue, which is the greateſt miſchiefe that can happen in a Prouince, and chiefly when the ſame commeth from the Prince. Had it not ben moſt reaſonable firſt to haue known whether the fault was committed, and what was the cauſe, with the reſt of the circumſtances therof? And then to haue proceeded lawfully and rightlie againſt the offenders? But it ſeemed that the Earle was afraid that hee ſhould not haue found neither ſergeant, priſon, Iudge, hangman, ladder, halters, nor gallowes to execute theſe gentlemen: for which cauſe he deſired that all theſe foreſaid miſchiefes ſhould bee found in his hall and in his perſon. A man may ſay that I ſpeake with ſmall reſpect vnto my lord, but we proteſt, that from henceforth we will neuer ſo account him, and if wee cannot obtaine from the King the hoped remedie of our due reparation, we make a vow that we, our children, parents, kindred, alies, friends, and whoſoeuer els dependeth vpon vs, will rather goe dwell amongſt the Scithians or anie other more cruell nation, then we will remain any longer vnder the gouernment of a man ſo infamous.

The Earles Answere.

THe same Iustice, mercie, and Maiestie of the King which you imploy against me, shall yeeld mee reason against all you, and shall in my behalfe punish you for your no lesse vain, then outragious and vnreuerent speeches, wherefore I doe not refuse the iudgement of his Maiestie, although the matter concerneth his highnes nothing at all, in as much as those whom you speak of were no Gentlemen, but robbers and theeues, and for such haue I punished them; and if anie would know why I did it not after the vsuall manner, as there shall no reasons be wanting, so am I not bound to tell them vnto anie but vnto such as it shall please my selfe: therfore I will only say that they being in that sort put to death, their ingratefull kindred towards me haue receiued lesse dishonour thereby, then if they had beene made a publike spectacle to the people. Likewise, the nobilitie of Flanders are become so insolent, as they stand in no aw at all of Iustice, wherefore this Iustice no lesse suddaine then iust, will make them to bethinke themselues twice, before they will commit the like offence againe. Moreouer, you were resolued to saue them either by intreaties, or otherwise; therefore I desired to take away all occasion to ad vnto their death, not onlie yours, but also other mens destructions, for he may be tearmed wise and vertuous, which by one smal mischiefe can eschew farre greater mischances: but he that dooth neuer so great good vnto the ingratefull, receiueth nothing but hate and reproch for his reward: euen so hath it happened to me herein. If you who say that you are noble, did know what nobilitie is, and wherein it consisteth,

you would say that these robbers were no Gentlemen, seeing that gentilitie cannot be grounded but only vpon vertue, and as thereby the base borne attaine to nobilitie, euen so he which continueth not therein, loseth that nobilitie which his father hath left him, to the intent that hee should bee vertuous: for nothing is more pernicious in a Commonwealth then he who dooth falselie vsurpe the title of Nobility. I do demand of you whether the sonne of a good musition may inherit his fathers cunning & renoume, chieflie to be a good musition, without learning and thorowly exercising of musicke? It seemeth not, if then in an art of so small consequence a man cannot attaine vnto the fame or facultie of his father, without he be the same in effect, although it should not preiudice the Commonwealth in any sort; how then can they inherit nobility, who make no proofe therof by vertue, by the which our ancestors haue gained it? If nobility came but by descent, it would be no lesse weake, then of small continuance, considering the multitude of those that die in the wars; but vertue which doth thereby nobilitate others, doth still maintain the same. I haue then caused these villains to die secretly for the respect I had vnto their kindred, who desired to remaine noble in following vertue, for those which doe swarue from it, a man may rightly say that nobility doth end in them, and they which follow it cannot chuse but be noble indeed: the which *Cicero* knew very well how to applie when *Claudius* said vnto him that he was no gentleman; Truly (said he) in me doth the nobilitie of my race begin to bud, as in you the gentrie of your stocke is alreadie blasted. And since that I being so exceedingly bound vnto vertue, as God hath made me by birth more noble and greater then a-

ny

ny other of my countrie, I haue done but my dutie in executing good, ſpeedie, and ſhort Iuſtice: for Iuſtice ſurely is not the leaſt kind of vertue, and not to execute Iuſtice were cruelty, wherefore I am not cruell, much leſſe a coward, neither doe they ſpeake the truth which doe ſay that I am an enemie to gentlemen, or that I fear them, but I am indeed an enemie to the vicious, and I fear leaſt they ſhould hurt the good, or that they ſhould be corrupted by them: nor haue I been their executioner or hangman as you affirme, but they themſelues according to their deſerts haue ben the butchers of their owne liues; and were it otherwiſe, yet is he rather a hangman which robbeth or killeth an honeſt man, thē is he which executeth malefactors. This Spaniſh pittie proceedeth of no other cauſe, but onely for that they would not execute thoſe which are of their profeſſion, yet to betray or murther good men they are nothing ſcrupulous. The Prince of a countrie cannot ſhew anie better example then in performing Iuſtice, the which I haue done: And know you that the Iudges are not neceſſary, but where the Prince is not preſent: for proofe whereof, *Salomon* himſelfe iudged cauſes, yet no other but the King can iudge me. As for *Flaminius*, he put a condemned man to death vpon pleaſure, onely to content an harlot, but I haue executed foure to obſerue Iuſtice. But for any ſeruice that they might haue done for the King, a man may as well ſay the like of all other theeues: for ſuch people can eaſilie aſſemble a great number of ſuch worthleſſe & lewd fellows as they are. Likewiſe, it is not a ſmall miſchiefe that prodigalitie is wrongfully held for liberalitie, as if the prodigall did not commit a thouſand miſchiefes, to get wherewith to performe their follies, as theſe foure did, who by their

prodigality became theeues. Wherefore it may be affirmed, that they and such as would maintaine them, are those that esteeme vice to be vertue, and villaines to be Gentlemen. As for the small respect that you haue vsed in slandering me, it is therein that I may shew my clemencie, for it is true Magnanimitie to pardon great faults, especially when none is offended therby, by only he which pardoneth the same, as I doe not only pardon you, but also doe further beseech the King not to punish you, because it may bee at your owne choice either to remaine in your countrie or to forsake the same; not for that I care for such subiects as you are which disdaine me to be their lord, but because I would not against my custome shew my selfe rigorous towards those, who being ouercome by passiō, do but offend me in words, & the rather because they which speake more then they should, doe thereby but procure their owne shame. And to conclude, there is no reason that you should be beleeued concerning the dead; But it may please the Kings Maiestie to bee better informed vpon this matter, if it shall not like his highnesse to credite those informations as are most true, which I doe here present vnto his gratious hands, binding my selfe vnto any satisfaction, if inought I haue swarued from Iustice.

Declamation. 95.

Of a Iew, who would for his debt haue a pound of the flesh of a Christian.

A Iew vnto whom a Christian Marchant ought nine hundred crownes, would haue summoned him for the same in Turckie: the Merchant because he would not be discredited, promised to pay the said summe within the tearme of three months, and if he paied it not, he was bound to giue him a pound of the flesh of his bodie. The tearme being past some fifteene daies, the Iew refused to take his money, and demaunded the pound of flesh: the ordinarie Iudge of that place appointed him to cut a iust pound of the Christians flesh, and if he cut either more or lesse, then his owne head should be smitten off: the Iew appealed from this sentence, vnto the chiefe iudge, saying:

IMpossible is it to breake the credite of trafficke amongst mē without great detriment vnto the Commonwealth: wherfore no man ought to bind himselfe vnto such couenants which hee cannot or wil not accompliſh, for by that means should no man feare to be deceaued, and credit being maintained, euery man might be assured of his owne; but since deceit hath taken place, neuer wonder if obligations are made more rigorous & strict then they were wont, seeing that although the bonds are made neuer so strong, yet can no man be very certaine that he shal not be a loser. It seemeth at the first sight, that it is a thing no lesse strange then cruel, to bind a man to pay a pound of the flesh of his bodie, for want of money: Surely, in that it is a thing not vsuall, it appeareth to be somewhat the more admirable, but there are diuers others that are more cruell, which because they are in vse seeme nothing terrible at all: as to bind al the bodie vnto a most lothlome prison, or vnto an intollerable slauerie, where

not only the whole bodie but also al the sences and spirits are tormented, the which is commonly practised, not only betwixt those which are either in sect or Nation contrary, but also euen amongst those that are all of one sect and nation, yea amongst neighbours and kindred, & euen amongst Christians it hath ben seene, that the son hath imprisoned the father for monie. Likewise, in the Roman Commonwealth, so famous for laws and armes, it was lawfull for debt, to imprison, beat, and afflict with torments the free Cittizens: How manie of them (do you thinke) would haue thought themselues happie, if for a small debt they might haue ben excused with the paiment of a pound of their flesh? Who ought then to maruile if a Iew requireth so small a thing of a Christian, to discharge him of a good round summe? A man may aske why I would not rather take siluer of this man, then his flesh: I might alleage many reasons, for I might say that none but my selfe can tell what the breach of his promise hath cost me, and what I haue thereby paied for want of money vnto my creditors, of that which I haue lost in my credit: for the miserie of those men which esteeme their reputation, is so great, that oftentimes they had rather indure any thing secretlie then to haue their discredit blazed abroad, because they would not be both shamed and harmed. Neuertheless, I doe freely confesse, that I had rather lose a pound of my flesh, then my credit should be in any sort cracked: I might also say that I haue need of this flesh to cure a friend of mine of a certaine maladie, which is otherwise incurable, or that I would haue it to terrifie thereby the Christians for euer abusing the Iewes anie more hereafter: but I will onelie say, that by his obligation he oweth it me. It is lawfull to kill a souldior if he

come

come vnto the warres but an houre too late, and also to hang a theefe though he steale neuer so little: is it then such a great matter to cause such a one to pay a pound of his flesh, that hath broken his promise manie times, or that putteth another in danger to lose both credit & reputation, yea and it may be life and al for greife? were it not better for him to lose that which I demand, then his soule, alreadie bound by his faith? Neither am I to take that which he oweth me, but he is to deliuer it me: And especiallie because no man knoweth better then he where the same may be spared to the least hurt of his person, for I might take it in such a place as hee might thereby happen to lose his life: what a matter were it then, if I should cut of his priuie members, supposing that the same would altogether weigh a iust pound? Or els his head, should I be suffered to cut it off, although it were with the danger of mine owne life? I beleeue I should not; because there were as little reason therein, as there could be in the amends wherevnto I should be bound: or els if I would cut off his nose, his lips, his eares, and pull out his eies, to make of them altogether a pound, should I be suffered? Surely I thinke not, because the obligation dooth not specifie that I ought either to chuse, cut, or take the same, but that he ought to giue me a pound of his flesh. Of euery thing that is sold, he which deliuereth the same is to make waight, and he which receiueth, taketh heed that it be iust: seeing then that neither the obligation, custome, nor law doth bind me to cut, or weigh, much lesse vnto the aboue mentioned satisfaction, I refuse it all, and require that the same which is due should bee deliuered vnto me.

The Christians Answere.

IT is no strange matter to here those dispute of equitie which are themselues most vniust; and such as haue no faith at all, desirous that others should obserue the same inuiolable, the which were yet the more tollerable, if such men would bee contented with reasonable things, or at the least not altogether vnreasonable: but what reason is there that one man should vnto his own preiudice desire the hurt of another? as this Iew is content to lose nine hundred crownes to haue a pound of my flesh, whereby is manifestly seene the antient and cruell hate which he beareth not only vnto Christians, but vnto all others which are not of his sect: yea, euen vnto the Turkes, who ouerkindly doe suffer such vermine to dwell amongst them, seeing that this presumptuous wretch dare not onely doubt, but appeale from the iudgement of a good and iust Iudge, & afterwards he would by sophisticall reasons prooue that his abhomination is equitie: trulie I confesse that I haue suffered fifteene daies of the tearme to passe, yet who can tell whether he or I is the cause thereof, as for me I thinke that by secret meanes he hath caused the money to bee delaied, which from sundry places ought to haue come vnto me before the tearm which I promised vnto him; Otherwise, I would neuer haue been so rash as to bind my selfe so strictly: but although he were not the cause of the fault, is it therefore said, that he ought to bee so impudent as to goe about to prooue it no strange matter that he should be willing to be paied with mãs flesh, which is a thing more natural for Tigres, then men, the which also was neuer heard of: but this diuell in shape

of

of a manyfecing me oppreſſed with neceſſitie propounded this accurſed obligation vnto me. Whereas hee alleageth the Romanes for an example, why doth he not as well tell on how for that crueltie in afflicting debtors ouer greeuouſly, the Commonwealth was almoſt ouerthrowne, and that ſhortly after it was forbidden to impriſon men any more for debt. To breake promiſe is, whē a man ſweareth or promiſeth a thing, the which he hath no deſire to performe, which yet vpon an extreame neceſſitie is ſomewhat excuſable; as for me, I haue promiſed, and accompliſhed my promiſe, yet not ſo ſoone as I would; and although I knew the danger wherein I was to ſatisfie the crueltie of this miſcheeuous man with the price of my fleſh and blood, yet did I not flie away, but ſubmitted my ſelfe vnto the diſcretion of the Iudge who hath iuſtly repreſſed his beaſtlineſſe. Wherein then haue I falſefied my promiſe, is it in that I would not, (like him) diſobey the iudgement of the Iudge? Behold I will preſent a part of my bodie vnto him, that he may pay himſelfe, according to the contents of the iudgement, where is then my promiſe broken? But it is no maruaile if this race be ſo obſtinat and cruell againſt vs, for they doe it of ſet purpoſe to offend our God whom they haue crucified: and wherefore? Becauſe he was holie, as he is yet ſo repſited of this worthy Turkiſh nation: but what ſhal I ſay? Their own bible is full of their rebellion againſt God, againſt their Prieſts, Iudges, & leaders. What did not the verie Patriarks themſelues, from whom they haue their beginning? They ſold their brother, and had it not been for one amongſt them, they had ſlaine him euen for verie enuie. How manie adulteries and abhominations were committed amongſt thē? How manie murthers?

Abſa-

The Christians Answere.

IT is no strange matter to here those dispute of equitie which are themselues most vniust; and such as haue no faith at all, desirous that others should obserue the same inuiolable, the which were yet the more tollerable, if such men would bee contented with reasonable things, or at the least not altogether vnreasonable: but what reason is there that one man should vnto his own preiudice desire the hurt of another? as this Iew is content to lose nine hundred crownes to haue a pound of my flesh, whereby is manifestly seene the antient and cruell hate which he beareth not only vnto Christians, but vnto all others which are not of his sect: yea, euen vnto the Turkes, who ouerkindly doe suffer such vermine to dwell amongst them, seeing that this presumptuous wretch dare not onely doubt, but appeale from the iudgement of a good and iust Iudge, & afterwards he would by sophisticall reasons prooue that his abhomination is equitie: trulie I confesse that I haue suffered fifteene daies of the tearme to passe, yet who can tell whether he or I is the cause thereof, as for me I thinke that by secret meanes he hath caused the money to bee delaied, which from sundry places ought to haue come vnto me before the tearm which I promised vnto him; Otherwise, I would neuer haue been so rash as to bind my selfe so strictly: but although he were not the cause of the fault, is it therefore said, that he ought to bee so impudent as to goe about to prooue it no strange matter that he should be willing to be paied with mãs flesh, which is a thing more natural for Tigres, then men, the which also was neuer heard of: but this diuell in shape

of

of a manyfeering me oppressed with necessitie propounded this accursed obligation vnto me. Whereas hee alleageth the Romanes for an example, why doth he not as well tell on how for that crueltie in afflicting debtors ouer greeuously, the Commonwealth was almost ouerthrowne, and that shortly after it was forbidden to imprison men any more for debt. To breake promise is, whē a man sweareth or promiseth a thing, the which he hath no desire to performe, which yet vpon an extreame necessitie is somewhat excusable; as for me, I haue promised, and accomplished my promise, yet not so soone as I would; and although I knew the danger wherein I was to satisfie the crueltie of this mischeeuous man with the price of my flesh and blood, yet did I not flie away, but submitted my selfe vnto the discretion of the Iudge who hath iustly represſed his beastlinesse. Wherein then haue I falsefied my promise, is it in that I would not, (like him) disobey the iudgement of the Iudge? Behold I will present a part of my bodie vnto him, that he may pay himselfe, according to the contents of the iudgement, where is then my promise broken? But it is no maruaile if this race be so obstinat and cruell against vs, for they doe it of set purpose to offend our God whom they haue crucified: and wherefore? Because he was holie, as he is yet so repūted of this worthy Turkish nation: but what shal I say? Their own bible is full of their rebellion against God, against their Priests, Iudges, & Leaders. What did not the verie Patriarks themselues, from whom they haue their beginning? They sold their brother, and had it not been for one amongst them, they had slaine him euen for vtrie enuie. How manie adulteries and abhominations were committed amongst thē? How manie murthers?

Absa-

Absalon did not he cause his brother to be murthered? Did he not persecute his father? Is it not for their iniquitie that God hath dispersed them, without leauing them one onlie foot of ground? If then, when they had newlie receiued their law from God, whē they saw his wonderous works with their eies, and had yet their Iudges amongst them, they were so wicked, What may one hope of them now, when they haue neither faith nor law, but their rapines and vsuries? And that they beleeue they do a charitable work, when they do some great wrong vnto anie that is not a Iew? It may please you then most righteous Iudge to consider all these circumstances, hauing pittie of him who doth wholy submit himselfe vnto your iust clemencie: hoping thereby to be deliuered from this monsters crueltie.

Declamation. 96.

Of Palamedes, *who was accused by* Vlisses *that he meant to betray the Grecians.*

AT such time as the Grecians assembled themselues together to goe vnto the warres of Troy, Vlisses *King of Ithaca because he would not go thether, fained himselfe mad: and the better to colour his deceit, he himselfe held the plough tilling of a barren peece of land; but* Palamedes *verie well perceiued his subtiltie, and to make it knowne vnto the rest that were sent, he tooke yoong* Telemachus, *the only sonne of* Vlisses *and* Penelope, *and laied him in the way where the horses and plough which* Vlisses *did driue should passe, who turning the horses aside because he would not hurt his sonne, his dissembling*

bling was diſcouered, and he conſtrained to goe vnto the warres with the reſt of the Grecian Princes. Wherefore they being at the ſiege of Troy, Vliſſes *the better to bee reuenged of him, found the meanes to burie a certaine quantitie of gold vnder the tent or pauillion of* Palamedes, *at that corner which ſtood next vnto Troy. Within a while after he accuſed him, ſaying that he had receiued treaſure from the Troians to betray the Grecians. After long diſputations and much arguing, the hidden gold was found. But yet* Palamedes *did ſtoutly defend himſelfe againſt the accuſation of* Vliſſes, *who ſaid thus:*

O Immortall gods, O heauen, O earth, and you other Elements, O you planets and ſtarres, true witneſſes of my iuſt ſorrow, and you men partakers of this great miſchiefe, (if it had not ben diſcouered) giue eare vnto the words, which vnto my great griefe I am conſtrained to vtter. Who would euer haue thought that anie of the Grecian princes had had ſo vild a heart as that he would for gold ſeeke to betray his companions, together with their allies and ſubiects? but alaſſe contrarie to the expectation of all, the ſame is entred into the heart of one onlie. O gods, our conſeruors, I render vnto you immortall thanks, for bringing me (in a manner againſt my will) vnto theſe warres, ſeeing that I muſt be your inſtrument to ſaue all this armie, pretending to performe a moſt iuſt cauſe, and yet neuertheleſſe betraied by one of the princes thereof. It is not ſaid in vain, that thoſe which ſerue the gods, doe by their grace obtaine wiſdome, and become familiar with them; euen ſo I, who from my youth haue beene ſo happie as to admire, contemplate, and honour their deities, haue receiued this recompence therefore, as that my heart dooth moſt commonlie foretell me what miſchiefes ſhall enſue:

ſue: therefore I was in doubt to come vnto this warre, ſeeing that I did as it were perceiue that all the armie ſhould be in danger to bee loſt by Treaſon: but it hath pleaſed the gods to make me the meanes to diſcloſe the traitor; but muſt I tel who it is? Yes ſurely, for our countries weale is to be preferred before all friendſhip, profit, or any other benefit: Wherefore I proteſt vnto the gods, and before this honourable aſſemblie, that if mine owne ſonne were partaker of this Treaſon, & none but my ſelfe did know therof, I would not only accuſe him, but I would alſo caſt the firſt ſtone at him to ſtone him to death, as well for my countries ſafetie as for becauſe he had in ſuch ſort ſtained our ſtock: neuertheleſſe noble princes and you Grecian people, I beſeech you for the reward of this my ſeruice, that he whom I ſhall truly name may ſerue for an euerlaſting example of the Grecians clemencie by ſauing his life, the which amongſt great princes is nothing ſo much eſteemed as honour; for the remembrance of his fault will be a puniſhment ſeuere inough, and the granting vnto him his life, will inforce him to employ the ſame to achieue ſome notable act, thereby to extinguiſh the memorie of his paſſed fault, ſo that your pitie ſhall bring you a double frute, that is to ſay, profit, and glorie. Grant then my requeſt O you Grecians, whereof I am not vnworthie, conſidering the manifold good ſeruices which I haue done for you, by the which I doe coniure you, as alſo by thoſe which I may hereafter performe, if you doe bind me by your gracious fauour which I doe intreat of you. Alas, I perceiue you are all ſilent, but I know not whether it is becauſe you are aſtoniſhed at the ſtrangeneſſe of the matter, or els (which the gods forbid) becauſe none of you wil condiſcend vnto the interceſſion

which

which I make for him whom you doe not yet know? If you will not whollie graunt my requeſt herein, yet at the leaſt aſſure me that the chaſtiſement ſhall not bee equall to the crime, but that the rigor of law ſhall be mittigated by lenitie. You make no anſwer at all, Grecians, wherefore I feare me leaſt this danger wil draw you vnto ouer great rigor: ſurely the fault is great, but in pardoning the ſame your mercie ſhall bee the more eſteemed, for it is a common thing to pardon ſmal offences, and it behoueth thoſe that are noble and great men to pardon thoſe faults as are of great importance ſuch as this is; Truſt me, if you continue your ſilence anie longer, you will prouoke me alſo to hold my peace, for as I would be glad to ſaue the whole armie, ſo would I bee ſorrie to cauſe the death of anie of the princes. But I plainlie perceiue that I muſt take your ſilence as a token of your conſent, and ſo conſequentlie that the zeale of the Commonwealth and the ſafetie of all you, ought to be preferred before the aſſurance which I require: mark then my words well without paſſion, which I feare to bee too true: It is ſo that ſome of our ſecret friends which are in Troy (whom I would not credite, if I did not thorowlie know their integritie) haue aſſured mee that *Palamedes* during theſe ordinarie skirmiſhes, hath vnder the coulor of fighting with the enemies, contracted with them to burne the Grecian Nauie, to the end that the armie being void of all ſuccours or hope, ſhold be laid open for the enemy, and to bring the ſame to paſſe, he hath receaued great ſummes of gold from thē. It behoueth you therefore (O you Grecians) to make diligent ſearch, and to be thorowly informed whether the accuſation be true, or that the Troians haue fained the ſame onlie of ſet purpoſe, to weaken our forces by

the

the losse of a man so famous, or to set vs at discord together, or whether *Palamedes* haue taken this gold for anie other intēt, as for to deminish their store by so much or els to worke some other stratagem therby. I thought it good to declare this openly in the presence of al men, to the end that some assuaging the rage of the rest, you might altogether with one mind endeuor to sift out the truth of the deed, of the which labour *Palamedes* might ease you by confessing the matter, and for what intent he hath receiued this coine, if hee will not haue vs to search his ship, or els where, for the said gold, the which being once found without his confession, would greatlie increase his crime. Wherefore aduise him in the way of friendship not to imagine that the same can be hidden from *Argos*, which signifieth no other thing then the eies of the multitude, who doe see manie things, which are supposed to be verie secret. O how miserable are those that perseuere in mischiefe, because they are persuaded the same shall neuer be manifest! For euen when they thinke they are most safest, then oftentimes either they themselues, or els those in whom they put most confidence, doe bewray them; in such sort, as ouer late repentance and suddaine punishment doe both fall vpon them at once. But this is the mischiefe, that ambition persuadeth those which follow the same, that all things how wicked soeuer they be, are lawfull, and that abundance doth nothing but increase auarice, which of it selfe is insatiable. Doe you then *Palamedes* shew your selfe to be free from these vices, and in shewing by effectuall reasons that your intent was sound, you may free vs from this suspition, considering that if you do otherwise, the Grecians are no lesse readie to punish obstinate traitors, then couragious to fight against their Troian enemies.

namies. And let not passion O you Grecians cause you to forget my former words spoken of pure zeale, onlie for your preseruation.

Palamedes *his answere.*

O *Radhamant, Minos,* and *Eacus,* iust iudges of the infernall places, O *Pluto,* and *Proserpine,* Monarks of the darkesome mansions, thou *Nemesis* goddesse of reuenge, and you hellish hags, *Alecte, Thesephone,* and *Megera,* tormenters of sinfull soules, ceasse your torturing of *Tantalus, Ixion, Sisiphus,* the *Belides, Prometheus,* and all the other damned soules in perpetuall torments, to employ your iustice, your power, your reuenge, and al your extreamest furie against this peruerse wicked Traitor, who harboreth no lesse mischiefe in his heart then malice in his tongue. O immortall gods, how can you suffer such iniquitie? O earth why doe you not open vnder the feet of this abominable wretch to swallow him vp? O you worthie Grecians, how can you hope for happie successe in your most iust warre, so long as this diuell in the shape of a man remaineth amongst you? Who is he, that can beware of his Treasons? who can euer defend himselfe from his malicious practises? Which doe worthelie persecute me, in that I am the cause that this poison in mans likenesse is come with vs to infect the soules, courages, and the noble nature of the Grecians, animating them vniustlie against those, who are both iust and righteous: Alasse, it is a true saieng, that a good man is no longer in safety then he pleaseth a traitor: the which saieng may bee verefied by me, who thinking that I had done well for all the Grecian Nation, haue prouoked against my selfe the vniust ven-

geance

geance of this mischieuous man, who indeuoureth to worke my shamefull ouerthrow. Forbeare a while, O you Grecians, the vniust rage which you haue conceaued against me, by the most venomous tongue of *Vlisses*, vntill that I make you know what falshood he vseth against me, wherein he hath not failed to employ all his diuelish subtiltie: First I would haue you to consider how in the beginning of his oration, he seeketh to rauish the minds of the hearers vnto a certaine admiration, with a desire speedilie to vnderstand that which he would say; then seeing their soules so doubtfull, he stirreth them vp vnto anger and fear, persuading them that they are all in great danger; afterwards by a fained hipocrisie, he would make them beleeue that he is familiar with the gods, foreseeing all future mischieses; but in effect he foreseeth none at all, but those which himselfe intendeth to doe (as he hath caused this gold to be hidden where it was found) and lastlie he bringeth an example saieng: that in such a case he would not spare his owne sonne, by that meanes indeuouring to persuade thē to stone me; hauing once imprinted it in your hearts, he faineth himself desirous to saue me, knowing verie well that all his counterfait speeches tend to no other end but onlie to animate you against me, neuertheless fearing least he had moued you vnto some pittie, he first setteth downe the chastisement before hee nameth me, & then he somewhat doubtfullie affirmeth his saieng to be true, vrging me to confesse that which neuer was: Whereof I take to witnesse both the celestiall, and infernal gods, iust reuengers of committed treasons, imploring their most iust vengeance against him that did neuer before this present houre know that anie gold sent from the Troians was in our campe. But you

may

may beleeue (O you Grecians) that *Vlisses* to be reuẽged of me for discouering his deceit, when he fained himselfe mad because he would not come vnto the warres, that he I say (as himselfe affirmeth) hauing beene oftentimes within the cittie of Troy, where he hath his intelligences, did bring this gold from thence, and whilest I was in the battaile he did burie the same vnder my pauillion; the which as it is not the first treason which he hath plotted, so will it not be the last that he intendeth to performe, if you do but suffer him therein, for sure he is one of those, who in doing euill doe imagine their euill deeds will neuer be espied, because he hath so great a confidence in his foxlike sleights, that there is no wickednesse which he dare not attempt: and the gods grant O Grecians, that he doe not one day commit the same treason which he falselie obiecteth against me. To conclude, I pray you worthie Grecians thorowlie to consider all my passed actions, and to beleeue that I had rather endure the cruellest death that might be imagined, then I should euer haue had the thought to commit anie Treason. Be you then assured, that what good or hurt soeuer you shall doe vnto me, it shall be done vnto such a one as neuer thought vpon anie thing but what was for the common good of our countrie, the which I haue euermore preferred before mine own cõmoditie.

Notwithstanding the deniall of *Palamedes*, hee was stoned.

Declamation. 97.

Of the Romane Dictator, who would haue put the master of the horsemen to death, because he fought against his commandement.

LVcius Papirius Cursor, *being created the two and fortith Dictator in Rome, to make warre against the Samnites,* Quintus Fabius Rutilianus *was made Maister of the horse, being a yoong and valiant gentleman. It chanced after a certaine battaile, and the taking of some citties, that the Dictator went to Rome to marke the disposition of the aire, thereby to know what lucke they should haue, leauing the said Maister of the horse in the campe, with expresse commaundement that he should not attempt any thing vntill his returne; But he being departed, there was so faire an occasion offered, as* Fabius *gaue the battaile, and won it wholy, afterwards hauing caused all the armes of the dead enemies to be burned, hee wrot vnto the Senat of his victorie, neglecting the Dictator; who being returned vnto the campe, hee deliuered him into the hands of the Lictor, to bee beaten with rods, and to strike off his head, but as his apparrell was pulling off hee escaped, hiding him amongst the souldiours, and afterwards by night fled vnto Rome, whether the Dictator followed him, and hauing caused him to bee brought before his iudgement seat, hee would haue condemned him againe, but the father of* Fabius *accompanying him in mourning weeds, and hauing recommended him vnto the people, tooke vpon him the defence of his sonne, saying:*

HOw great the miserie of man is, may appeare by the linage of the *Fabij*, who haue ben euermore troubled for the zeale which they had vnto the Commonwealth. First, *Quintus Fabius* hauing done manie worthie acts, as well at home with his Counsell, as abroad in the wars, by his courage, died in fighting against the Tuscanes, where all the Fabians were noted to be famous, and especiallie *Marcus Fabius*, who caused

the

the Romane ſouldiors to ſweare not to giue ouer fighting vnleſſe they were conquerors, and being ſeconded by *Ceſon*, *Fabius* making head againſt his enemie, brought the Romans backe againe, who contrarie to their oath were readie to turne their backs, which in the end was the cauſe of the victorie: and becauſe all that linage was carefull to cheriſh, and heale the wounded ſouldiors, they were eſteemed and ſuſpected to bee Plebeians. I ceaſſe to report what they did both before and after: but I will onelie tell how they tooke vpon them an enterpriſe that they alone would defend Rome frõ the inſolencie of the Veians, and there iſſued forth together three hundred and ſix kinſmen, who died all in the ſaid defence, and there remained no more of all the *Fabians* aliue but my father, that was in Rome, who alaſſe hath ſince that time repleniſhed the world, and reſtored vnto the Commonwealth, this no leſſe miſerable then noble linage. How much better had it ben for him to haue died with the reſt, if we muſt alwaies for our good ſeruice be ſubiect to the reproches of ſome, or to the perſecution of other, or rather ſince we are no leſſe troubled in reſiſting the malice of the Cittizens then wee are in fighting againſt our enemies; behold my ſonne here who hauing vanquiſhed the enemie, is adiudged to die by the Dictator: and wherefore? Becauſe hee hath done that which the Commonwealth not onlie deſired, but alſo that which it moſt ſtood in need of: He is the conqueror, & now alas it is thought expedient that a ſhamefull and violent death ſhould be a reward of his conqueſt, at the wil and pleaſure of one onlie man. The Patricians and people reioice at his victorie, enioying the benefit thereof, the ſouldior is partaker of the ſame, and the Dictator alone would haue

him to die, as if the Commonwealths good were his hurt, or as if a Patricians renoume were his reproch, or as if the glory of the maſter of the horſe did not increaſe the worthineſſe of the Dictator. Surely, if the Romans take this courſe (which the gods forbid) they need no other enemies but themſelues. *Marcus Furius Camillus*, that great protector of Rome, did not onelie ſuccour *Lucius Fuluius* (who fought againſt his intention) but alſo made him partaker of his victorie, and ſhortlie after did chuſe him for his companion in the warres of Tuſcula, ſuch was the magnanimitie of this great Roman, redeemer of his countrie, to excuſe the faults which are committed by youth: for he did verie well know, that there was no leſſe courage in him to pardon a great offence, then to combat and ouercome a great armie of enemies. Doe you then noble Dictator imitate that moſt worthie man, Diſpiſe not the whole Senat that requeſteth you, refuſe not the Patricians, the Tribuns, & the people alſo, that intreat you, nor yet me a miſerable old man and father to this poore yoong man, who yet may accompliſh manie worthie and good ſeruices for his countrie, if together with his life, you cut not off the courſe of his vertuous acts; conſent thē vnto ſome of our requeſts, or els graunt vnto vs all his life that is worthie to liue, and as you your ſelfe haue had him in verie great eſtimatiō, making him General of the horſe, ſo now giue him his life, and bind vs all vnto you for the ſame: If not, you will conſtraine me to appeale vnto the Tribuns, and to haue recourſe vnto the people of Rome, who may doe more then your Dictatorſhip. I will ſee if you wil giue place vnto ſuch an appeale, as did the Romane King *Tullius Hoſtilius*? or ſince you cannot triumph ouer the enemies, whether you will violentlie

triumph

triumph ouer the death of the conqueror? I haue ben Dictator as well as you, but yet did I neuer offend anie priuate souldiour, or other inferiour Plebeyan; for I know how that dignitie or office is giuen to preserue the Romanes, and not to destroy or hurt anie of them; how much lesse then a captaine of good desert in the Commonwealth? A man may hereby see what difference there is betwixt the modestie of our ancestors, and the pride of this present age, for besides that deed of *Furius Camillus*, it is knowne that *Quintus Cincinatus* vsed no cruelty against *Lucius Minutius*, for freeing himselfe from that place where by his rashnesse hee was besieged, but left him Legat in the campe, euen then when he went to Rome. Yea, the people who haue all authoritie doe neuer condemne anie captaine vnto death, as it appeareth by *Virginius* and *Sergius*, and diuers others, who hauing lost battailes, camps, and souldiours, haue ben thereof acquited, or at the most but fined in a certaine summe of money, where as now one that ought as a conquerour to triumph, is threatened by the Dictator with rods and the axe: what would hee then doe if he had lost the battaile? Would he not trow you condemne all the Fabians, and al the souldiors which were escaped from the battaile? Now when this conqueror ought to be a spectacle of happinesse vnto all the cittie, being accompanied with his friends to render thankes vnto the gods for his victorie, they stand here round about him to bewaile his miserie, and to beg mercie of the Dictator to saue his life. O gods will you thus forsake him, who by your fauour hath vanquished the enemies of your temples? And you Patricians can you leaue him that is by birth such as you are? And you souldiors, will you abandon him that hath led you vn-

to all martiall glorie? And you people can you condemne him that is yet in danger of his life, hauing alreadie aduentured the same for the safetie of your houses, and the sepulchres of your ancestors? For the defence of you, your wiues, children, and whatsoeuer els is most deare and acceptable vnto you? Will you suffer the enemies to haue such a pleasure done them, O you souldiours, as that your captaine, and he vnder whom you haue conquered, should bee punished euen by his countrimen, as the most pernicious Traitor that euer was in the world? O immortall gods, let me die, before so manie miseries doe happen.

The answere of Papirius.

BEleeue me *Fabius* I do greatlie pitty thy sonnes youth, and more thy age: yet all that can only moue me to compassion, but not to pardon a fault so vnworthie to be forgiuen; the which I would most willinglie doe, if the iniurie had been offered vnto me, but being don vnto the gods, to the Commonwealth, to the Magistrat, and to martiall discipline, what can I doe lesse (seeing O you Romanes you haue thought me worthie of the highest authoritie) then execute condigne punishment therefore? Will you that for one mans sake alone, both the warres and the Magistrat should lose, the one his authoritie, and the other his discipline? Were it not better that one man alone should die, then all the rest abouesaid should decay? As the Fabians haue in times past done manie worthie facts, so also are they not free from a number of faults; for I doubt whether it was vertue or rashnes in them, to vndertake alone such an enterprise against the Veians,

ans, thereby depriuing the Commonwealth at one inſtant of ſo manie men of that worth as you eſteeme them: it cannot be denied but their ouerweening to encreaſe their owne reputation, did greatlie deminiſh the Commonwealth and much aduantage the enemie therof. But why doe you not as well ſpeake of the three Fabians that were ſent Embaſſadors vnto the Gaules to Cluſa? Was not their raſhneſſe the cauſe of the ruin of Rome? As the like might haue happened by this man here, had he not ben more fortunate then well aduiſed. And thus much further I will ſay, that by how much they which offend are of great birth and noble parentage, by ſo much are they more worthie of puniſhment, for their greatneſſe maketh the fault a long time after more famous, and being left vnpuniſhed, they incite a number of others to doe the like: Doe you not thinke that *Marcus Manlius* would els haue forgiuē the youthfull follie and valiant towardneſſe of his ſonne? whom he would rather put to death then it ſhould be ſaid that by him were loſt the ancient militarie diſcipline. In like ſort *Brutus* the author of the Romane freedome, preferred the ſame before his childrens liues, who were executed by iuſtice. Doe you imagine *Fabius*, that they loned not their children ſo well as you? Surely they did: but it ſeemeth that you doe leſſe affect the Commonwealth then they: for here you care not to ſee the Empire of the Romane people wronged, which ſurelie is inuincible, ſo long as it ſhall follow the ancient cuſtomes, obſerue militarie diſcipline, and maintaine the authoritie of the Dictator, a moſt high office, & the onlie and laſt refuge, when all other remedies faile. As for me I cannot make this authoritie perpetuall, yet I will beware that by me it be not contaminated, as alſo I de-

ſire that the ſoueraigntie of the Tribuns (being of it ſelfe inuiolable) would not indeuour by their interceſſions, to violate the Romane Empire. I doe likewiſe intreat the people that they would not in me ſuffer the power of the Dictator to decay; to the end that hereafter they doe not too late repent when they ſhall know that by their fault the ſouldiour will no more obey the Centurion, nor the Centurion the martiall Tribune, nor the Tribune the Legat, nor the Legat the Conſull nor the Maiſter of the horſe the Dictator, and that no bodie will ſhew anie dutie at all either to men, or to the gods. All the reſt as *Lucius Fuluius*, and *Lucius Minutius*, were the companions of their Colleagues, wherefore it is not ſaid in vaine, that hee which hath a companion, hath a maiſter, they then fought not againſt the commandement, but againſt the will of their Colleagues, as being equall with them in authoritie. But who can denie that I had not the power, and that I did not command him not to fight during my abſence. The yoong *Torquatus* was iudged to die by his father onelie for hazarding his owne perſon, and you would excuſe *Fabius* who by his raſhneſſe did indanger all the campe, yea, the whole Commonwealth; for the more you priſe his victorie, the more is the danger apparent wherevnto he brought the Commonwealth. If ſuch faults may bee borne withall, who will not henceforth ſticke to runne from his Enſigne? Who will haue care to come when he is commanded? Wherefore ſhall not the ſouldiour fight againſt his captaines will, when the maiſter of the horſe hath not onlie foughte contrarie to the commandement of the Dictator, but alſo in contempt of his authoritie hath burned the enemies, and did not once aduertiſe him of anie thing thereof after the deed? But

hath

hath indeuoured to animate the ſouldiours to defend him againſt the Dictator, and afterwards did by force eſcape from the Lictor, and would not obey anie ſummons, but fled vnto Rome, ſtirring vp the People, Tribunes, and Patricians to fauour him. I know not what els to ſay, ſauing that (manifeſt tyrannie excepted) there could not a more hainous crime haue ben committed. So that to conclude, I will ſay, that you may by force ſaue him from death, but as for me, I declare and proteſt that I neither will nor may acquite him.

Know that at theſe words, all the people began to intreat the Dictator for his life, wherefore without pardoning the fault, he frankly gaue him vnto the people.

Declamation. 98.

Of the diſherited ſonne, who claimed to haue his inheritance againe of the heires of him, vnto whom his father had giuen them.

A Certaine man diſherited his ſonne vpon a iuſt cauſe, and gaue his lands vnto another man, who lying dead ſick, ſaid that he would haue the inheritance which was giuen him to return to the diſherited ſon. Wherupõ ſome few daies after he died before the notarie (which he had ſent for) was come, ſo as although there was nothing left in writing, yet did not there want witneſſes to teſtifie for the ſaid ſonne, who demanded his inheritance, ſaying:

WHo is he so ignorant which will beleeue that my father would euer haue disherited mee in good earnest, but that he rather made this deceassed man to promise that hee should restore my land vnto me after a certaine time; for the kindnes of fathers doth alwaies exceed the malice of the children, because that naturall loue is more readie to descend then to ascend, as well for the instabilitie of youth as for the constancy that remaineth in age, who knoweth & doth well remember that hee hath done amisse in his youth: and like as God naturallie loueth man farre more then man loueth him (the which is knowne by his deuine bountie towards vs, and our ingratitude towards him) so the father may well be angrie with his son, but what show soeuer he maketh therof, yet can he not hate him, for it should be contrarie to the law of nature: who wil then imagine that my father (being by nature mild and courteous towards all men) could euer haue ben so cruell against his owne sonne? All these reasons aboue-said are most manifest, but were it so that my father had absolutely giuen away his possessions, and mine inheritance vnto this dead man, yet did he before his death restore the same againe vnto me, being either in conscience or kindnesse moued therevnto: but had hee not more reason and libertie to giue it to me, thē my father had to take it from me? You say that nothing appeareth in writing, for what end shold writings serue without witnesses? Doe we not know that the paper endureth all things, and the parchment much more? wherefore the word of the testator and the authoritie of the witnesses is sufficient. What if the Notarie after he had made the Will were dead, must we not then haue had

our

our recourse vnto witnesses? Wherefore seeing the notary did not come time inough (it may be because some of you staied him) shal not the witnesse of such persons as are worthie to be beleeued, serue the turne, who did heare the deceassed man say that he would haue the said land to returne vnto me, and for that effect did he send for the Notarie. It is at the end of the life, that a man doth chiefliе seek to discharge his conscience, and then or els neuer is the truth spoken: wherefore it is most euident that this inheritance doth infalliblie appertaine vnto me: and therefore I do demand to haue the same by friendship, and if so it may not be, then must I request it by Iustice.

The Answere.

YOur father is not the first that hath disherited his sonne, it may be because he was more honest then you, and there is no likelihood and lesse certaintie that hee hath caused this man to restore vnto you the inheritance, but if it bee so as you say, then prooue it, for there is no reason to credit your words being such an one as you haue compelled your father to doe that which you cannot beleeue; yet to prooue that this is so, the effect maketh mention. Wee beleeue that your fathers clemencie was great, which (it may be) was the chiefest cause why hee desired to depriue you of all meanes to become anie more vicious, for some such as you are doe liue better when they are poore, then when they are rich, wherefore your father in this was desirous to imitate our God, who doth all things for the best, although our nature is so corrupt as wee cannot comprehend the same. Likewise wee must consider, that the father

ther is not easilie brought to hate his sonne, but when he is inforced therevnto, then is he more hard to be intreated or reconciled then a stranger, & the more slow men are to become angrie, the more great and terrible is their wrath when it happeneth; euen so hath it beene with your father, whom you affirme to bee naturallie mild and courteous: thinke then what violence he did vnto himself, before he had taken this irreuocable resolution against you. So that your reasons seeme verie friuolous, and chieflie when you say that this deceassed man (being prouoked by the foresaid reasons, or by his owne conscience) hath restored vnto you those lands and goods which your father gaue vnto him: his conscience could not be burdened, seeing that nothing can bee more trulie gotten then that which commeth by gift: likewise, therein he should but alter the meaning of your father and his benefactor, for it is verie likely that he did giue those goods vnto him and his heires, why then should he seeke to defraud them to giue it vnto such a one who by his owne father was iudged vnworthie thereof? His ingratitude thereby would bee too manifest: but had he therin ben so aduised, yet hath not the effect therof insued (whether it were Gods doing or his owne meaning that so it should not be.) For men in the anguish of their sickness doe oftentimes speake manie things which they would not in any sort performe. The witnesses may beare testimonie of his words, but not of his Will, the which also ought to bee of no force, since the patient liued but a few daies after: for a true and lawful testament ought to be made when a man is of good disposition and memorie as well in bodie as in mind. Lastlie, since nothing is written, there needeth no witnesses, but he that could haue beene a wit-

witneſſe of that which hee would haue declared if the Notarie had ben there preſent, ſhould perchance haue heard him tell the reaſons why your father gaue him thoſe goods, as alſo vnto whom he meant to leaue thē, but hauing ſaid neither one thing nor another, they are ours as rightfull heires: and therefore wee will defend them by all poſſible and lawfull meanes.

Declamation. 99.

Of two Citizens that were tortured, the one for demanding a debt, the other for denying the ſame.

THe law commandeth, that all periured perſons ſhould be put to death. Whereupon it happened that one Citizen ſummoned another, ſaying that he ought him a certaine ſumme of money, the which hee ſaid he had lent him vpon his own word, and thereupon hee tooke a ſolemne oath before the iuſtice that his ſaying was true: the other denied that he euer receiued any money of him, and did likewiſe ſwear that he ought him nothing, ſo that neceſſarly one of the twaine muſt be forſworne, and ſo conſequently guiltie and worthie of death. Whereupon the defendant as being moſt ſuſpected, is put vnto the racke: but he ſtill affirmed that he ought nothing. The plaintife was afterwards likewiſe racked, who did alſo ſtill auouch that he did owe it him. Neuertheleſſe, after they had both twaine ben tortured three ſeuerall times, they were put both together in priſon, where they agreed no more then they did before, but each of them particularly made a requeſt. The firſt ſaid that he was content to acquite the debt iuſtly due, that he might be deliuered; the other ſaid that he was content to pay

that

Of two that were tortured, one for demanding, *that which he neuer ought, to come forth of prison; but the Iustice would haue sent them backe vnto the rack, vntill the truth were knowne. From the which sentence they both appealed, saying:*

THere ought to bee some difference betweene Iustice and crueltie, and yet (O you Iudges) you make no difference at all, for you vse the innocent as badlie as the offender; & which is farre more worse, you take away the credit that ought to be amongst Cittizens, & the vse of such entercourse as they are to haue one with another, for there had ben some other meanes to haue executed Iustice, without bringing vs into such extream danger, where it may be the innocent shall perish: each of vs doe say that we are innocent, neuertheles, though one must needs be guiltie, yet can we not both be faultie: What then if the innocent, as being the weakest should yeeld, and confesse the fault which he neuer committed, chusing for the least euill rather to die once wrongfullie, then to be any more tortured, and afterwards to liue either a maimed cripple, or to pine away with paine, & so it may chance that the guiltles shal suffer for the guilty, losing both his life, goods, and reputation, & on the contrary, the malefactor shall haue both his life and credit saued, and liue in good account to the great detriment of the Cõmonwealth; for being accustomed vnto torments, who shall let him to swear that any man is indebted vnto him, or that he is not indebted at al, when no man dare once offer to proue it vpon him, so that there shall bee no villany which he dare not cõmit. If you say that he shall neuer haue any great credit, but that he shall be stil suspected, as well amongst the Cittizens as with the Iudges,

you

you may say also that the innocent though hee remaine the conqueror, yet shall he be likewise suspected, & the losse of his reputation shall be the reward for his maintaining the same with such exceeding torments. Wherfore (sauing the reuerence we owe vnto your lordships) we suppose that it had beene better not to haue proceeded vnto these extremities, but before you had caused either of vs to sweare particularlie, you should haue demanded whether anie of vs would haue ben content to stand vnto the word or oath of his companion, shewing in general what danger the offender did bring both his body and soule into. Likewise, both the one and the other might haue been examined touching the circumstances of the matter, to see which of thē would come neerest vnto the truth, & also you might haue been thorowly informed what the life and reputation of either of them had ben, that thereby you might haue ben able to make some sound coniecture of the truth. But first of al the defendants oath ought to haue ben taken, who hauing sworn that he ought nothing, the plaintif might haue ben adiudged to prooue his debt, or els to lose the same, but making vs both to swear without knowing either the one or the other, the offender hath taken his oath the more boldly, thinking by forswearing himself to be acquited therof, yet he hath therby brought both himselfe and the innocent into trouble and pain. But it seemeth that this matter hath been expressely handeled for this intent, which cannot bee tearmed iustice, but crueltie, for as much crueltie is it to torment an innocent, as it is iustice to punish an offēder, & it were better to leaue a wicked man vnpunished, then to torture such a one as hath not deserued it: notwithstanding, we see that you had rather haue the good man tormēted, then

the

the malefactor ſhould eſcape vntouched, which ſhould be yet ſomewhat tollerable, if (as I haue before ſaid) it were not likely that (proceeding in ſuch ſort as you do) the innocent ſhould ſuffer for the offender, although it were far more reaſonable to pardon one bad man, then to put a good man in danger: for Iuſtice if it muſt needs be conſtrained to yeeld, it ought alwaies to bee rather vnto clemencie then cruelty. Let then (you worthy iudges) the one be pardoned, for the others ſake, becauſe the offender hath alreadie endured ſufficiently for the expiation of his offence, and the innocent hath ſuffered too much for being no better aduiſed before hee brought himſelfe into ſuch danger: and let that money which is now in ſtrife be giuen to the poore, ſeeing that the one offereth to pay it, and the other to forgiue it. In ſo doing, you ſhall doe more iuſtly, then in continuing that courſe which was vnhappily begun.

The Anſwere.

IT is ſaid that *Charlemaine* ſhifting the Saxons into Flanders, and the Flemmings into Saxonie, made of one deuill twaine, ſo you would perſuade vs to do the like, by redoubling a ſcandale that hath happened in the Commonwealth you doe feele it, and in a manner your ſelues haue cõfeſſed it, but becauſe you haue both twaine no deſire to be tortured any more, you will not confeſſe the whole. Did not you your ſelues ſay, that if the offender doe eſcape, he will be worſe then a plague in the Commonwealth, & yet you doe openly purpoſe to procure his deliuerance, for one of you twaine muſt needs be the man, but why doe you not in like ſort ſay, that if you bee both deliuered, it behoueth all men to take heed both of the one and the other, ſeeing that it cannot be certainly knowne who is the lewdeſt or the beſt;

beſt; our intention is to purge the Commonwealth by cutting off a wicked wretch, and you indeuour that we ſhould leaue twaine therein, of whom a man cannot know which is the beſt: who then may not ſay that the Commonwealth is corrupted? There is no examining here either of follie or ignorance, but of capitall crime, ſome do think the one to be the offender, and ſome do iudge the other, ſo that although there be but one malefactor, yet it ſeemeth that there is twaine, which is verie vnſeemely: were it not then better if the worſt ſhould happen, that two ſhould ſuffer, then to ſee the whole citie a long time ſcandalized? Let him then which hath the beſt right determine to maintaine the ſame vntill he hath vanquiſhed the other, or els vntil he hath yeelded the laſt gaſpe; and if you remain both conſtant vnto the death, or at the leaſt the good be conſtant, and the bad obſtinate, you ſhall be examples of fortitude, and your death ſhall witnes vnto ſtrangers how much our nation doth rather deſire to indure any other miſchiefe thē to be diſhonored; but if you ſhould both remain aliue you ſhould haue no honor at all, and we leſſe credit to ſuffer two ſuch amongſt vs, of whom it is impoſſible to know whether is the honeſt or diſhoneſt mā. It were as good for you to confeſſe that you are both bad, as not to perceuer in the triall who ſhall be the beſt. The agreement which you would now make, you ſhould haue thought vpon before the Commonwealth had ben ſcandalized by your oaths, and then you ſhould haue giuen thoſe good counſels, which now are as farre out of ſeaſon as they are in vain, for you are not to preſcribe what courſe we are to vſe with you, no more then wee are bound to tell you wherefore we haue cauſed you to ſweare ſeuerally, but we may tell you (and that trulie) how hee that

had yeelded vnto the oath of the other might very well haue eſcaped the extremity of the crime, but yet the reputation of both would haue ben alwaies doubtfull, ſo that it were much better to know the truth if it be poſſible: if not, it may be ſaid at the leaſt, that the fault is not in vs. And this is the difference that we make between iuſtice and crueltie, That the offender being known, he may be puniſhed, and the innocent honoured. You ſay that the one may chance to ſuffer for the other, you know the remedy, we cannot iudge you by your owne mouths: it is impoſſible to pardō the one for the reſpect of the other, without great offence to the Commonwealth, ſeeing that you both ſtill remaine alwaies ſuſpected, and your linage thereby mightely wronged. Since then you haue ſhewed your ſelues more thē men in the beginning, doe not ſhew your ſelues leſſe then women in the end. We counſell you ſo to doe for the good of the countrie, and for your owne credit. Neuertheles, it is in the choice of the ſoueraign iudges to pardon your offence, but not to reſtore your former reputation: for ſo long as the truth ſhall be doubtfull, you ſhall be both twaine ſuſpected, yea and eſteemed vnworthy to liue amongſt honeſt men.

Declamation. 100.

Of the controuerſie betwixt Titus Quintus *the Roman Conſull, and* Nabis *tyrant of Sparta.*

TItus Quintus *making wars againſt* Philip *King of Macedon to driue him foorth of Greece, and in the name of the Romans to ſet Greece at liberty; not being able to make a league with* Nabis *Tyrant of Sparte, receiued*

receiued neuertheleſſe ſuccours from him, and made a truce betweene the ſaid tyrant and thoſe of Achaia. Afterwards, hauing ouercome the ſaid Philip, Quintus *made wars vpon* Nabis *to cauſe him to reſtore the vſurped citties of Greece, ouer which he tyranniſed: whervpon* Nabis *being come to a parle with* Quintus, *he ſaid thus:*

IF I could imagine with my ſelfe (O *Titus Quintus*) and the reſt of you here preſent vpon what reaſon you haue proteſted or made warres vpon me, I had quietly ſtaid to haue ſeene what end my fortune ſhould haue had: but now I cannot refrain my deſire (if I ſhould periſh) to vnderſtād firſt the reaſon why I ſhould come to this miſchiefe: & ſurely, if you were ſuch as by fame the Carthaginians are, ſo as amōgſt you the faith of friendſhip were of no certaintie or ſtabilitie, I ſhould not greatly woonder although you made no great account of that which you doe vnto me. But now that I behold you, I ſee that you are Romans, ſuch I ſay, as were wont religiouſlie to maintaine the obſeruation of diuine things, and the faith of humane confederacie: & when I looke vpon my ſelfe, I doe verily beleeue that I am the ſame man, that haue beene in ancient friendſhip and league with you as well as the reſt of the Lacedemonians; and it is but a ſmall time ſince, that for the wars of *Philip*, yea and in my name the ſame hath been particularlie renued. But it may be I am hee that hath broken the ſame league, becauſe I hold the citie of Argos; How ſhall I then be able to defend my fact? Surely either by the ſame deed, or els by the times. The deed offered me two meanes to defend my ſelfe, becauſe I had the ſaid cittie, being called therevnto by the Cittizens and by their owne ſurrender: wherefore I receiued it, and did

not ſurpriſe it: and I had the cittie when it was of the faction of *Philip*, and not in your league. The time defendeth mee, and likewiſe freeeth mee, becauſe at the ſame time that I made a league with you, I had alreadie poſſeſſion of Argos, and you combined your ſelues with me, & it was agreed that I ſhould ſend you aid vnto the warres, but not that I ſhould withdraw my Garriſon out of the cittie of Argo; and ſurely concerning this cauſe of Argos, I haue the greateſt right on my ſide, as well by the equitie of the deed (becauſe I tooke not a cittie that was yours, but the enemies; and not by force or violence, but voluntarie) as by your owne confeſſion: ſeeing that amongſt the reſt of the conditions of the peace, you left Argos vnto me. But it may be the deeds of a tyrant doe charge mee becauſe I ſet bondmen at libertie, and deuide the lands vnto the poore people: as for the name of Tirant, I may anſwer that whatſoeuer I am now, I am euen the very ſame that I was, when thou (O *Titus Quintus*) madeſt a couenant with me, and diddeſt aſſure me that the ſame ſhould remaine inuiolable. I doe remember that then I was (of you) called a king; now I perceiue I am tearmed a Tirant: wherefore if I had changed the name of my gouernment, I ſhould bee bound to render an account of my lightnes, but now you your ſelues changing it, you muſt yeeld an account of yours: and as concerning the multitude whom I haue increaſed, ſetting bondmen at libertie, and diſtributing land to the poore, I may likewiſe defend my ſelfe therein by reaſon of the time: becauſe I had alreadie done thoſe things (whatſoeuer they were) before you made the combination with me, and receiued from me ſuccours in the wars againſt *Philip*: but although I had done ſuch things at this preſent,

yet

yet would I not confesse that I had offended you therin, or that I had violated our amitie, but that I rather haue followed the orders and customes of our ancestors. Neuer doe you goe about to draw those things which are done in the cittie of Lacedemon to the rule of your lawes and statutes, it is not necessarie to compare them one with another particularlie: you make choice of your horsemen and footmen by their courage, and you would that there should bee but a small number of rich and great men, and that the people should be subiect vnto those: Our lawmaker would not haue our Commonwealth to bee in the power of a small number, the which you call Senators, and hee would not that in the cittie one order should be greater in degreee then another, iudging it better (by a certaine qualitie of greatnesse and riches) that honors and dignities should be attained vnto, to the end that the number of those might be great which should vndertake to defend the countrie. I confesse that I haue been too tedious, and discoursed of more things then the custome and breuitie of the countrie speech dooth permit me: and I might haue ben farre more briefe, and haue onlie said that since wee haue made a league or couenant together I haue neuer cõmitted anie thing for the which you should haue cause to repent the same.

The Romane captaine answereth.

WE made no league or confederacie at all with thee, but with *Pelops* the true and lawfull King of the Lacedemonians: the right of which league, the tyrants (who haue since by force raigned in Lacedemon) haue vsurped, because the wars which we

haue had one whiles with the Carthaginians, another while with the Gaules, and continuallie either with the one or the other haue greatlie troubled vs, as thou hast likewise done in this warre of Macedon: For very vnseemely were it for vs (who haue vndertaken armes for the libertie of Greece) to confederate our selues with a tyrant: and with what tyrant? Surely with such a one as is the most cruell & most inhuman monster towards his owne subiects that euer was. It behooued vs in seeking to free all Greece, to set Lacedemon also into her ancient freedome (although thou haddest neuer taken *Argos* by deceit) & to restore her vnto her laws: whereof at this present (like a good follower of *Licurgus*) thou hast made mention. Now will we take heed since *Philip* hath withdrawne his Garrisons from *Iassa* and *Bargilles*, least we should suffer to be troden vnder thy feet, two famous citties, Argos and Lacedemon, heretofore accounted the two lights and beauties of Greece: which if we should leaue in bondage, it would blemish our title of freeing Greece. Thou wilt say that the Argians were partakers with *Philip*: wee will not burthen thee that thou wast therefore angrie with them, and tookest vpon thee such a quarell for our sakes. We are sufficiently informed that of that innouation there were but two or three persons at the most culpable, as also how that they were the onlie men that receiued thee & thy souldiours into their castle, wherein surely nothing at all was done by common Counsell. Wee know how the Thessalians, Phocians, and Locrenses, did by common consent take *Philip* his part, neuertheless wee did leaue them free, hauing set all the rest of Greece at libertie. What then doest thou thinke wee should doe with the Argiues, who are most innocent, as concerning their

common

common Counsell? Thou saiest that thou art condemned for deliuering of captiues & deuiding of the lands vnto the poore (which surely are no small faults) but what is that, or what are they to be compared to so manie mischiefes committed euerie day one after another by thee and thine? Let a free Counsell bee assembled in Argos, or Lacedemon, if thou takest pleasure to hear the truth of the offences of thy most prowd gouernement. But now setting apart thy ancientest faults: how manie murthers I pray thee hath that son in law of thine *Pythagoras* committed of late in Argos, & that as it were before mine owne eies? and how manie slaughters hast thou thy selfe acted, I being euen hard vpon the confines of Lacedemon? Moreouer, those whom thou tookest whilest they were parlying, thou didst openlie protest before all the Cittizens that thou wouldest keepe them in safetie: Bring them therefore bound as they were, to the end that their miserable parents may know them to be liuing, whom they haue bewailed for dead: but thou wilt say, let vs grant that all these things be so, What haue you Romans to doe therewith? Wilt thou say thus vnto the Grecians friends? That seeke to free Greece? Who to doe the same, haue passed the seas? And haue made warre both by land and by sea? Thou wilt say, Yet haue I not offended you, nor broken our league, neither violated the confederacie of the Roman Nation. How often wilt thou haue me to prooue vnto thy face that thou hast violated the same? I will not vse manie words, but briefly will I set downe euerything: Tell me then I pray thee how manie waies friendship may be broken? Surely by these two, that is to say, If thou vsest my friends like enemies, and conioinest thy selfe with my foes: Whether of these two

things hast thou not done? Seeing that first thou tookest Messena by force and armes, which was ioined vnto vs with the same conditions of peace as Lacedemon was, and receiued into our friendship; and yet thou being our friend and Colleague, tookest a cittie that was friend and vnited in league with vs: and with *Philip* our enemie, thou not onelie keptest companie, but also by the sufferance of the gods thou madest aliance with him by the meanes of *Philocles* his Lieutenant, and he making wars vpon vs in that sort, thou didst both trouble the seas about Malea with thy ships of war, and also tookest and slewest far more Romane Gittizens then euer *Philip* did: and vnto the ships which brought victuals vnto our armie, the riuer of Macedon was more safe then was the promontarie of Malea. Ceasse therefore henceforth to brag of the obseruing of thy faith, and the performing of thy friendship inuiolable, and leaue off all ciuill maner of speech, speak plainly like a tyrant, & as an enemy ought to speake.

FINIS.

BRITISH 5 OC 70 MUSEUM